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NEBRASKA HEALTH AND HUMAN SERVICES

172 NAC 137

November 9, 2006

REGULATION AND LICENSURE

TITLE 172

PROFESSIONAL AND OCCUPATIONAL LICENSURE

CHAPTER 137

PRACTICE OF PHYSICAL THERAPY

137-001 SCOPE AND AUTHORITY: These regulations are intended to implement the laws governing the practice of physical therapy and set forth the procedures for licensure of physical therapists and certification of physical therapist assistants ~~and certification of physical therapists to supervise physical therapist assistants~~ pursuant to Neb. Rev. Stat. §§ ~~71-2801- 71-1,362 to 71-1,389~~ and the Uniform Licensing Law. Physical therapy does not include the use of roentgen rays and radium for diagnostic and therapeutic purposes, including cauterization.

137-002 DEFINITIONS

Act means Neb. Rev. Stat. §§ ~~71-2802 to 71-2823- 71-1,362 to 71-1,389~~ known as the ~~Practice of Physical Therapy~~ Practice Act.

Approved Educational Program means ~~an educational- a program~~ for the education and training of physical ~~therapy- therapists or- and~~ physical therapist assistants ~~education- and- training~~ approved by the Board based on the program's accreditation by the Commission on Accreditation ~~of- in~~ Physical Therapy Education of the American Physical Therapy Association (APTA) or by equivalent standards established by the Board.

Attest/Attestation means that the individual declares that all statements on the application/petition are true and complete.

Audit means the selection of licensees or certificate holders for verification of satisfactory completion of continuing education requirements during a specified time period.

Board means the Board of Physical Therapy.

Certification Examination means the National Physical Therapist Assistant Examination and Jurisprudence Examination approved by the Department on the recommendation of the Board.

Completed Application means an application with all of the information requested on the application filled in, fees and all required documentation submitted.

Continuing Education means those appropriate learning experiences physical therapists and physical therapist assistants undertake to expand their scope of knowledge beyond the basic preparation for the profession of physical therapy.

Department means the Department of Health and Human Services Regulation and Licensure.

Direct supervision means supervision in which the supervising practitioner is physically present and immediately available and does not include supervision provided by means of telecommunication.

Director means the Director of Regulation and Licensure or the Chief Medical Officer if one has been appointed pursuant to Neb. Rev. Stat. § 81-3201, for performance of the duties set out in that statute.

~~Emergency means an occurrence which may threaten the life of the patient or result in permanent or serious injury to the patient unless immediate action is taken.~~

General supervision means supervision either onsite or by means of telecommunication.

Hour as it relates to continuing education means at least 60 minutes of participation in an organized learning experience otherwise known as a "contact hour."

1. One academic semester hour is equal to 15 contact hours. Thus an approved three credit hour course would provide 45 contact hours of continuing education credit.
2. One academic quarter hour is equal to ten contact hours. Thus an approved three credit hour course would provide 30 contact hours of continuing education credit.

Inactive License/Certificate means the voluntary termination of the right or privilege to practice physical therapy. The licensee/certificate holder retains the right or privilege to represent himself/herself as having an inactive license/certificate.

Intervention means a therapeutic procedure defined by the Current Procedural Terminology (CPT) manual of the American Medical Association.

Jurisdiction of the United States means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any American territory.

Jurisprudence Examination means the Nebraska Physical Therapy Jurisprudence Examination on the laws governing the practice of physical therapy in Nebraska, Neb. Rev. Stat. §§ 71-2801 71-1,362 to 71-1,389, inclusive, and the Uniform Licensing Law Neb. Rev. Stat. §§ 71-101 to 71-172, inclusive, administered by the Department.

Lapsed License/Certificate means the voluntary termination of the right or privilege to represent himself/herself as a licensed physical therapist/certified physical therapist assistant and to practice physical therapy.

Licensure Examination means the National Physical Therapist Examination and Jurisprudence Examination approved by the Department on the recommendation of the Board.

Mobilization or manual therapy means a group of techniques comprising a continuum of skilled passive movements to the joints or related soft tissues, or both, throughout the normal

physiological range of motion that are applied at varying speeds and amplitudes, without limitation.

NAC means the Nebraska Administrative Code, the system for classifying State agency rules and regulations. These regulations are 172 NAC 137.

Non-treatment-related tasks means clerical, housekeeping, facility maintenance, or patient transportation services related to the practice of physical therapy.

Official means issued by and under the original seal of the issuing agency.

Onsite Supervision means the physical therapist must be physically present at the practice site for consultation and direction of all actions when physical therapy services are being provided.

Physical Therapy means the treatment of any bodily condition of any person by the use of the physical, chemical, and other properties of heat, light, water, electricity, massage, and active or passive exercise. It does not include the use of roentgen rays and radium for diagnostic and therapeutic purposes, including cauterization.

Physical therapy or physiotherapy means:

1. Examining, evaluating, and testing individuals with mechanical, physiological, and developmental impairments, functional limitations, and disabilities or other conditions related to health and movement and, through analysis of the evaluative process, developing a plan of therapeutic intervention and prognosis while assessing the ongoing effects of the intervention;
2. Alleviating impairment, functional limitation, or disabilities by designing, implementing, or modifying therapeutic interventions which may include any of the following:
 - a. Therapeutic exercise; functional training in home, community, or work integration or reintegration related to physical movement and mobility; therapeutic massage; mobilization or manual therapy; recommendation, application, and fabrication of assistive, adaptive, protective, and supportive devices and equipment; airway clearance techniques; integumentary protection techniques; nonsurgical debridement and wound care; physical agents or modalities; mechanical and electrotherapeutic modalities; and patient-related instruction; but which does not include the making of a medical diagnosis;
3. Purchasing, storing, and administering topical and aerosol medication in compliance with applicable rules and regulations of the Board of Pharmacy regarding the storage of such medication;
4. Reducing the risk of injury, impairment, functional limitation, or disability, including the promotion and maintenance of fitness, health, and wellness; and

5. Engaging in administration, consultation, education, and research.

Physical therapist means a person licensed to practice physical therapy under the Act.

Physical Therapist Assistant means a person certified as a physical therapist assistant under the Act. any person who has graduated from a school for physical therapist assistants approved by the Department or who has been certified by the Board as a physical therapist assistant on or before February 25, 1981 based on equivalent training or knowledge.

Physical Therapy Aide means a person who is trained under the direction of a physical therapist and who performs treatment-related and non-treatment-related tasks. nonlicensed or noncertified worker whose primary function is to perform routine tasks related to the operation of a physical therapy service, but who may assist with physical therapy related activities.

Plan of Care means plans of therapeutic intervention utilizing APTA guidelines

Practice Site means the location where the physical therapist provides physical therapy services.

Protocol means a planned procedure based on the assessment of the physical therapist for the treatment of a particular injury.

Satellite Office means a practice site operating without the presence of a physical therapist.

Semester Credit Hour means a semester credit that must include at a minimum: 15 hours of lecture, or 30 hours of laboratory, or 48 hours of clinical education.

Student means a person enrolled in an approved educational program.

Supervision means responsible supervision and control when a licensed physical therapist assumes legal liability for the services of a physical therapist assistant. Except in cases of emergency or when appropriate duties and protocols have been outlined in the initial application and approved by the Board, supervision requires that the physical therapist must be present on the premises of the practice site for consultation and direction of the actions of the physical therapist assistant. Such exceptions include but are not to be limited to (1) ambulating patients, (2) applying hot packs, and (3) performing range of motion exercise.

Telecommunications will be defined as a land phone-line, cellular phone service, or pager. Facsimile and electronic mail are not defined as telecommunications due to inadequate response time.

Testing means standard methods and techniques used to gather data about a patient. Testing includes surface electromyography and, subject to approval of the Board, fine wire electromyography. Testing excludes diagnostic needle electromyography.

Trainee means any person who is currently enrolled in an approved program.

Treatment-related tasks means activities related to the practice of physical therapy that do not require the clinical decision making of a physical therapist or the clinical problem solving of a physical therapist assistant.

Verified means sworn before a Notary Public.

137-003 REQUIREMENTS FOR PHYSICAL THERAPIST LICENSURE: Any person who wishes to practice physical therapy must obtain a license. The criteria for issuance of a license and the documentation required by the Department and the Board are set forth below.

137-003.01 License Based on Completion of an Approved Educational Program: An applicant for a license to practice physical therapy on the basis of education must:

1. Have graduated from an approved physical therapy educational program;
2. Pass the licensure examination with a scaled score that is greater than or equal to 600 on the National Physical Therapist Examination and a scaled score that is greater than or equal to 600 on the Jurisprudence Examination;
3. Have good moral character and have attained at least the age of majority (Neb. Rev. Stat. § 43-2101). All persons under 19 years of age are declared to be minors, but in case any person married under the age of 19 years, his/her minority ends; and
4. Submit to the Department
 - a. An official copy of a transcript showing graduation from an approved physical therapy educational program;
 - b. Official documentation of passing the licensure examination;
 - c. A complete application, on a form provided by the Department or on an alternate format, which includes the following information:
 - (1) Complete name including middle or maiden name;
 - (2) Mailing address including street, P.O. Box, route, city, state, and zip;
 - (3) Date of birth (month, day, and year);
 - (4) Place of birth (city and state);
 - (5) Social Security Number;
 - (6) Telephone number including area code (optional);
 - (7) If convicted of a felony or misdemeanor, applicant must submit the following:
 - (a) Official court records relating to the conviction and disposition; and
 - (b) A letter of explanation of conviction(s);
 - (8) List state, license number, date license issued, and expiration date of license for each state where applicant has been or is currently licensed;

- (9) If any disciplinary action was taken against applicant's license, applicant must submit a letter of explanation of the disciplinary action;
 - (10) Name of college or university attended;
 - (11) Name and date of degree awarded;
 - (12) If applicant was denied licensure or the right to take an examination, applicant must submit an explanation of the denial;
 - (13) Attestation by the applicant:
 - (a) That s/he has not practiced in Nebraska prior to the application for a license; or
 - (b) To the actual number of days practiced in Nebraska prior to the application for a license.
 - (14) Sign and date the following statement: I hereby certify that the preceding information is correct to the best of my knowledge and I further certify that I am of good moral character;
- d. A ~~notarized~~ copy of applicant's birth certificate, marriage license, driver's license or other valid verification of age; and
 - e. The required license fee.

137-003.01A The Department will act within 150 days upon all completed applications for licensure.

137-003.01B When a credential will expire within 180 days after its initial issuance date, the Department will collect \$26, and the license will be valid until the next subsequent renewal date.

137-003.01C Administrative Penalty/Other Action: An individual who practices prior to issuance of a license, is subject to assessment of an administrative penalty pursuant to 172 NAC 137-023, or such other action as provided in the statutes and regulations governing the license.

137-003.02 License Based on Training as a Physical Therapist in a Foreign Country: An applicant for a license to practice physical therapy on the basis of training as a physical therapist in a foreign country must:

1. Have completed a ~~course~~ program of professional instruction that is substantially equivalent to an approved educational program. ~~accredited by the American Physical Therapy Association or by an equivalent accrediting agency as determined by the Board.~~ A substantially equivalent course program of professional instruction ~~(curriculum) consisting of the following: is one that consists of those components specified in one of the following:~~
 - a. Federation of State Boards of Physical Therapy (FSBPT) Coursework Evaluation Tool for Foreign Educated Physical Therapists 1998 to present (Fourth Edition Revised May, 2004) a copy of which is attached

- as Attachment N and incorporated into these regulations pursuant to 172 NAC 137;
- b. FSBPT Retrospective Coursework Evaluation Tool for Foreign Educated Physical Therapists 1992 to 1997 (March 2005) a copy of which is attached as Attachment O and incorporated into these regulations pursuant to 172 NAC 137;
 - c. FSBPT Retrospective Coursework Evaluation Tool for Foreign Educated Physical Therapists 1978 to 1991 (September 2005) a copy of which is attached as Attachment P and incorporated into these regulations pursuant to 172 NAC 137; or
 - d. FSBPT Retrospective Coursework Evaluation Tool for Foreign Educated Physical Therapists 1955 to 1977 (September 2005) a copy of which is attached as Attachment Q and incorporated into these regulations pursuant to 172 NAC 137.
 - e. The appropriate FSBPT Coursework Evaluation Tool to be used by the credentialing agency will be determined by the year the foreign-trained physical therapist graduated from his/her foreign program of professional instruction.
 - f. The credit hours required for general education may be obtained through the College Level Examination Program (CLEP).
- ~~a. At least 58 semester credit hours of general education in the following areas:~~
- ~~(1) A minimum of six semester credits in the area of humanities with at least three hours in English;~~
 - ~~(2) A minimum of nine semester hours in the area of social sciences with at least six semester hours in psychology;~~
 - ~~(3) A minimum of fifteen semester hours in natural sciences with at least three semester hours in mathematics, six semester hours in physics and six semester hours in chemistry;~~
 - ~~(4) A minimum of 16 semester hours in the area of biological sciences with at least six hours in anatomy and physiology and at least ten hours in any or all of the following areas: biology; zoology; genetics, and microbiology; and~~
 - ~~(5) The remainder of the hours made up of electives.~~
- ~~b. At least 73 hours of professional education in the following areas:~~
- ~~(1) A minimum of 28 semester hours in the area of basic health sciences which must include courses in human gross anatomy, functional anatomy, and physiology;~~

- ~~(2) A minimum of four semester hours in a classroom course of clinical medicine;~~
 - ~~(3) A minimum of 17 semester hours in the area of physical therapy theory and techniques which may include courses in therapeutic exercise, physical therapy procedures, techniques, and theory;~~
 - ~~(4) A minimum of 13 hours in the area of clinical education; and~~
 - ~~(5) The remainder of the semester hours made up of electives.~~
 - ~~e. Each applicant must have obtained a grade of "C" or better in each course with "C" being equivalent to at least 70% or better.~~
2. Have proficiency in the English language;
 3. Pass the licensure examination with a scaled score that is greater than or equal to 600 on the National Physical Therapist Examination and a scaled score that is greater than or equal to 600 on the Jurisprudence Examination;
 4. Have good moral character and have attained at least the age of majority (Neb. Rev. Stat. § 43-2101). All persons under 19 years of age are declared to be minors, but in the case of any person married under the age of 19 years, his/her minority ends; and
 5. Submit to the Department:
 - a. ~~An official evaluation Documentation of the applicant's~~ educational credentials prepared by one of the following accrediting agencies: International Consultants of Delaware, Inc.; International Credentialing Association, Inc.; International Education Research Foundation, Inc.; Foreign Credentialing Commission on Physical Therapy. The credentialing agency must base their evaluation of the applicant's program of professional instruction on the requirements set out in 172 NAC 137-003.02, item 1:
 - b. An official ~~copy of~~ transcript(s) ~~showing completion of any coursework/credit hours required to meet education requirements equivalent to graduation from a United States accredited school or college of physical therapy; of the training the physical therapist completed in a foreign country;~~
 - c. Proof of proficiency in the English language:
 - (1) Have English as applicant's first language; or
 - (2) Provide documentation showing passage of one of the following examinations administered by Educational Testing Service which ~~test measures reading, writing, and comprehension of~~ English language:

- (a) Test of English as a Foreign Language (TOEFL), computer based or paper pencil format, with a minimum passing score of 560;
Test of Written English (TWE), with a minimum passing score of 4.5; and
Test of Spoken English (TSE), with a minimum passing score of 50 or

- (b) Internet Based English Language Proficiency Test, TOEFL iBT with the following scores:

<u>Reading Comprehension</u>	<u>21</u>
<u>Listening Comprehension</u>	<u>18</u>
<u>Writing Comprehension</u>	<u>22</u>
<u>Speaking Comprehension</u>	<u>18</u>
<u>Total score</u>	<u>89</u> <u>OR</u>

- (3) Provide the U.S. Citizenship and Immigration Services' Health Care Worker Certification issued prior to September 2005.

- d. Official documentation of passing the licensure examination;
- e. A complete application, on a form provided by the Department or on an alternate format pursuant to 172 NAC 137-003.01 item 4c;
- f. A ~~notarized~~ copy of ~~your~~ a birth certificate, marriage license, driver's license or other valid verification of age;
- g. The required license fee; and
- h. Attestation by the applicant:
- (1) That s/he has not practiced in Nebraska prior to the application for a license; or
- (2) To the actual number of days practiced in Nebraska prior to the application for a license.
6. The Department will act within 150 days upon all completed applications for licensure.
7. When a credential will expire within 180 days after its initial issuance date, the Department will collect \$26, and the license will be valid until the next subsequent renewal date.

8. Administrative Penalty/Other Action: An ~~individual~~individual, who practices prior to issuance of a license, is subject to assessment of an administrative penalty pursuant to 172 NAC 137-023, or such other action as provided in the statutes and regulations governing the license.

137-003.03 License Based on a License Issued in Another Jurisdiction: An applicant for a license to practice physical therapy on the basis of licensure in another jurisdiction must:

1. Provide documentation that the standards regulating the practice of physical therapy in the other jurisdiction are equal to those maintained in Nebraska;
2. Provide documentation that his/her license was based on a written examination, the grades given at such examination and the date the license was issued;
3. Pass the jurisprudence examination with a minimum scaled score of 600;
4. Provide documentation of being actively engaged in the practice of physical therapy under such license or in an accepted residency or graduate program for at least one of the three years immediately preceding application;
5. Provide documentation of being in active and continuous practice of physical therapy under license issued by examination in the state, territory, or District of Columbia from which s/he comes for at least one year;
6. Have good moral character and have attained at least the age of majority (Neb. Rev. Stat. § 43-2101). All persons under 19 years of age are declared to be minors, but in case any person married under the age of 19 years, his/her minority ends; and
7. A complete application, on a form provided by the Department or on an alternate format pursuant to 172 NAC 137-003.01 item 4c;
8. A ~~notarized~~ copy of your birth certificate, marriage license, driver's license or other valid verification of age;
9. The required licensure fee;
10. Attestation by the applicant:
 - (a) That s/he has not practiced in Nebraska prior to the application for a license; or
 - (b) To the actual number of days practiced in Nebraska prior to the application for a license.

11. Certification on a form provided by the Department or on an alternate format which can be a form provided by the licensing agency in the other jurisdiction that the applicant is duly licensed and contains the following information:
 - a. The nature of disciplinary action(s), if any, taken against the applicant's license or certificate;
 - b. The issuance date of the applicant's license or certificate;
 - c. The name of the examination on which licensure was based;
 - d. The score attained on the examination; and
 - e. Documentation of the requirements for licensure or certification in the other jurisdiction which were in effect at the time the license was issued.

137-003.03A The Board reviews the documents submitted to determine if the applicant's license or certificate issued by the other jurisdiction was based upon standards regulating the profession which are equal to those maintained in physical therapy by Nebraska.

137-003.03B The Department will act within 150 days upon all completed applications for licenses.

137-003.03C When a credential will expire within 180 days after its initial issuance date, the Department will collect \$26, and the license will be valid until the next subsequent renewal date.

137-003.03D Administrative Penalty/Other Action: An individual who practices prior to issuance of a license, is subject to assessment of an administrative penalty pursuant to 172 NAC 137-023, or such other action as provided in the statutes and regulations governing the license.

137-004 ~~RESERVED REQUIREMENTS FOR ISSUANCE OF TEMPORARY LICENSE OR CERTIFICATE:~~ Any physical therapist or physical therapist assistant who has met the requirements for a license or certificate except passage of the licensure or certification examination may apply for issuance or extension of a temporary license or certificate to practice as a physical therapist or physical therapist assistant, subject to the requirements and limitations set forth below.

~~137-004.01~~ An applicant for a temporary license or certificate to practice as a physical therapist or physical therapist assistant must:

- ~~1. Meet all requirements for licensure as a physical therapist or certification as a physical therapist assistant pursuant to 172 NAC 137-003.01, 137-003.02 or 137-005.01 except passage of the licensure or certification examination;~~
- ~~2. Provide documentation that applicant has applied to take the certifying examination;~~
- ~~3. Be supervised by a licensed physical therapist;~~
- ~~4. Has not been previously issued a license or certificate;~~
- ~~5. Submit to the Board;~~

- a. ~~An official copy of a transcript showing graduation from an approved physical therapy education program;~~
- b. ~~A notarized copy of applicant's birth certificate, marriage license, driver's license or other valid verification of age;~~
- c. ~~A complete application, on a form provided by the Department or on an alternate format pursuant to 172 NAC 137-003.01, item 4c and 137-005.01, item 4c; and~~
- d. ~~A completed application on a form provided by the Department or on an alternate format, which includes the following information:~~
 - d. ~~Complete name including middle or maiden name;~~
 - e. ~~Mailing address including street, P.O. Box, route, city state and zip;~~
 - f. ~~If applicant has previously taken the certifying examination, list the dates, locations, and results of the tests;~~
 - (1) ~~Complete name of the supervising physical therapist;~~
 - (2) ~~Mailing address of the supervising physical therapist;~~
 - (3) ~~License number of the supervising physical therapist;~~
 - (4) ~~Signature of the supervising physical therapist attesting to the following: I agree to supervise (name of individual), a temporary licensee or certificate holder, pursuant to 172 NAC 137, the Practice of Physical Therapy, and the statements herein are true and complete; and~~
 - (5) ~~Sign and date the following statement: I hereby certify that the~~
 - a. ~~preceding information is correct to the best of my knowledge and I further certify that I am of good moral character.~~
 - e. ~~Attestation by the applicant:~~
 - (1) ~~That s/he has not practiced in Nebraska prior to the application for a license; or~~
 - (2) ~~To the actual number of days practiced in Nebraska prior to the application for a license; and~~
 - f. ~~The required temporary license fee.~~

~~137-004.02 An applicant for a temporary license or certificate who is taking the licensure examination in another state is responsible for requesting that the scores achieved on said examination are reported to the Nebraska Board of Physical Therapy by the national testing service.~~

~~137-004.03 The Board will act within 150 days upon all completed applications for licensure.~~

~~137-004.04 Administrative Penalty/Other Action: An individual who practices prior to issuance of a license, is subject to assessment of an administrative penalty pursuant to 172 NAC 137-023, or such other action as provided in the statutes and regulations governing the license.~~

~~137-004.05 Expiration of Temporary License or Certificate: All temporary licenses or certificates will become null and void upon the Department's notification that the~~

~~temporary license holder or temporary certificate holder has either passed or failed the examination.~~

~~137-004.06 A holder of a temporary license or certificate may apply for an extension of his/her temporary license or certificate pursuant to 172 NAC 137-004.11.~~

~~137-004.07 Standards for Supervision: Any person who practices as a physical therapist or physical therapist assistant under a temporary license or certificate must be supervised by a licensed physical therapist.~~

~~137-004.07A The supervisor of a person who holds a temporary license or certificate must meet for on-site consultation and direction of the actions of the temporary licensee or certificate holder. On-site consultation means weekly face to face meetings between supervisor and temporary licensee or certificate holder.~~

~~137-004.07B The supervisor of a person who holds a temporary license or certificate must immediately notify the Department when supervision of the temporary licensee or certificate holder is terminated.~~

~~137-004.08 An applicant for extension of a temporary license or certificate must:~~

- ~~1. Have applied to the Board prior to expiration of the temporary license or certificate;~~
- ~~2. Provide documentation of circumstances pursuant to 172 NAC 137-004.11 which prevented the applicant from taking the licensure or certification examination; and~~
- ~~3. Submit to the Board a complete application on a form provided by the Department or on an alternate format which includes the following information:
 - ~~a. Complete name including middle or maiden name;~~
 - ~~b. Mailing address including street, P.O. Box, route, city, state, and zip;~~
 - ~~c. Telephone number including area code (optional);~~
 - ~~d. Social Security Number;~~
 - ~~e. Documentation of the circumstances which prevented the applicant from taking the licensure examination;~~
 - ~~f. The required temporary license or certification fee; and~~
 - ~~g. Sign and date the following statement: I hereby certify that the preceding information is correct to the best of my knowledge and I further certify that I am of good moral character.~~~~

~~137-004.09 The Board will act within 150 days upon all completed applications for extension of a temporary license.~~

~~137-004.10 Administrative Penalty/Other Action: An individual who practices prior to issuance of a license, is subject to assessment of an administrative penalty pursuant to~~

~~172 NAC 137-023, or such other action as provided in the statutes and regulations governing the license.~~

~~137-004.11 The Board, may approve an application for extension of a temporary license or certificate when the applicant has applied to take the licensure or certification examination but failed to do so due to good cause circumstances. Circumstances which may result in extension of the temporary license or certificate may include but are not limited to:~~

- ~~1. Illness or injury requiring hospitalization of applicant or an immediate family member immediately prior to or on the date(s) of the examination;~~
- ~~2. Death of an immediate family member immediately prior to or on the date(s) of the examination;~~
- ~~3. Inclement weather conditions which caused the applicant to not be in attendance on the date(s) of the examination; or~~
- ~~4. Service in the regular armed forces on testing date.~~

~~137-004.12 The Department, may deny an application for an initial or extended temporary license or certificate. Circumstances which may result in denial of an initial or extended temporary license or certificate include but are not limited to:~~

- ~~1. Failure to pay the fee for an initial or extended temporary license or certificate;~~
- ~~2. Falsification of any information submitted for the initial or extended temporary license or certificate;~~
- ~~3. Failure to show good cause for extension of a temporary license or certificate;~~
- ~~4. Violation of any of the provisions pursuant to 172 NAC 137-019; or~~
- ~~5. Failure or passage of the licensure examination.~~

~~137-004.13 When the Department determines to deny an application for issuance or extension of a temporary license or certificate, it will send to the applicant by certified mail a notice setting forth the reason for the denial determination.~~

~~137-004.13A The applicant has 30 days from the date of receipt of the denial notice to make a request to the Department for an appeal. The appeal will be conducted pursuant to 184 NAC 1, Rules of Practice and Procedure for the Department.~~

137-005 REQUIREMENTS FOR PHYSICAL THERAPIST ASSISTANT CERTIFICATION: Any person who wishes to practice as a physical therapist assistant must obtain a certificate. The criteria for issuance of certificates and the documentation required by the Department and the Board are set forth below.

137-005.01 An applicant for a certificate to practice as a physical therapist assistant issued on the basis of education must:

1. Have graduated from an approved physical therapist assistant education al

program;

2. Pass the certification examination with a score that is greater than or equal to 600 on the National Physical Therapist Assistant Examination and a scaled score that is greater than or equal to 600 on the Jurisprudence Examination;
3. Have good moral character and have attained at least the age of majority (Neb. Rev. Stat. § 43-2101). All persons under 19 years of age are declared to be minors, but in case any person married under the age of 19 years, his/her minority ends; and
4. Submit to the Department:
 - a. An official transcript showing graduation from an approved physical therapist assistant program;
 - b. Official documentation of passing the certification examination;
 - c. A complete application, on a form provided by the Department or on an alternate format which includes the following information:
 - (1) Complete name including middle or maiden name;
 - (2) Mailing address including street, P.O. Box, route, city, state, and zip;
 - (3) Date of birth (month, day, and year);
 - (4) Place of birth (city and state);
 - (5) Social Security Number;
 - (6) Telephone number including area code (optional);
 - (7) If convicted of a felony or misdemeanor, applicant must submit the following:
 - (a) Official court records relating to the conviction and disposition; and
 - (b) A letter of explanation of conviction(s);
 - (8) List state, license number, date license issued, and expiration date of license for each state where applicant has been or is currently licensed;
 - (9) If any disciplinary action was taken against applicant's license, applicant must submit a letter of explanation of the disciplinary action;
 - (10) Name of college or university attended;
 - (11) Name and date of degree awarded;
 - (12) If applicant was denied licensure or the right to take an examination, applicant must submit an explanation of the denial; and
 - (13) Attestation by the applicant:
 - (a) That s/he has not practiced in Nebraska prior to the application for a license; or
 - (b) To the actual number of days practiced in Nebraska prior to application for a license.

- (14) Sign and date the following statement: I hereby certify that the preceding information is correct to the best of my knowledge and I further certify that I am of good moral character;

- d. A ~~notarized~~ copy of your birth certificate, marriage license, driver's license or other valid verification of age; and
- e. The required certification fee.

~~5. An applicant who meets all requirements for certification as a physical therapist assistant may be certified without a supervising physical therapist, but the physical therapist assistant will not practice until an application for supervision by a physical therapist is approved by the Board.~~

- 5. The Department will act within 150 days upon all completed applications for certification.
- 6. When a credential will expire within 180 days after its initial issuance date, the Department will collect \$26, and the certificate will be valid until the next subsequent renewal date.
- 7. Administrative Penalty/Other Action: An individual, who practices prior to issuance of a license, is subject to assessment of an administrative penalty pursuant to 172 NAC 137-023, or such other action as provided in the statutes and regulations governing the license.

137-005.02 Certificate Based on a Certificate in Another Jurisdiction: An applicant for a certificate to practice as a physical therapist assistant on the basis of licensure or certification in another jurisdiction must:

- 1. Provide documentation that the standards regulating the practice of physical therapy as a physical therapist assistant in the other jurisdiction are equal to those maintained in Nebraska;
- 2. Provide documentation that his/her license or certificate was based on a written examination, the grades given at such examination, and the date the license or certificate was issued;
- 3. Pass the jurisprudence examination with a minimum scaled score of greater than or equal to 600;
- 4. Provide documentation of being actively engaged in practice as a physical therapist assistant or in an accepted residency or graduate program for at least one of the three years immediately preceding application; or
- 5. Provide documentation of being in active and continuous practice for at least one year as a physical therapist assistant under license or certificate issued

by examination in the state, territory, or District of Columbia from which s/he comes.

6. Have good moral character and have attained at least the age of majority (Neb. Rev. Stat § 43-2101). All persons under 19 years of age are declared to be minors, but in case any person married under the age of 19 years, his/her minority ends; and
7. Submit to the Department a complete application, on a form provided by the Department or on an alternate format pursuant to 172 NAC 137-005.01, item 4c;
8. A ~~notarized~~ copy of applicant's birth certificate, marriage license, driver's license or other valid verification of age;
9. The required license fee;
10. Attestation by the applicant:
 - a. That s/he has not practiced in Nebraska prior to the application for a license; or
 - b. To the actual number of days practiced in Nebraska prior to the application for a license.
11. Certification on a form provided by the Department or on an alternate format which can be a form provided by the licensing agency in the other jurisdiction that the applicant is duly licensed and contains the following information;
 - a. A certification that the applicant is duly licensed or certified, that his/her license or certificate has never been suspended or revoked, and that so far as the record of the agency is concerned, the applicant is entitled to its endorsement.
 - b. The nature of disciplinary actions, if any, taken against the applicant's license or certificate;
 - c. The issue date of the applicant's license or certificate;
 - d. The name of the examination on which licensure or certification was based;
 - e. The score attained on the examination; and
 - f. Documentation of the requirements for licensure or certification in the other jurisdiction which were in effect at the time the license or certificate was issued;
12. The Board reviews the documents submitted to determine if the applicant's license or certificate issued by the other jurisdiction was based upon standards regulating the profession which are equal to those maintained for physical therapist assistants by Nebraska.

13. The Department will act within 150 days upon all completed applications for certification.
14. When a credential will expire within 180 days after its initial issuance date, the Department will collect \$26, and the certificate will be valid until the next subsequent renewal date.
15. Administrative Penalty/Other Action: An individual, who practices prior to issuance of a license, is subject to assessment of an administrative penalty pursuant to 172 NAC 137-023, or such other action as provided in the statutes and regulations governing the license.

137-006 REQUIREMENTS TO ~~PRACTICE~~ PERFORM PHYSICAL THERAPY SERVICES AS A CERTIFIED PHYSICAL THERAPIST ASSISTANT: A physical therapist assistant must be certified by the Department ~~may not prior to performing physical therapy services commence practice until a certificate of approval to supervise a physical therapist assistant is issued to a physical therapist. A physical therapist assistant may perform physical therapy services under the general supervision of a physical therapist.~~

~~137-006.01 The criteria for commencing practice are set forth below.~~

~~137-006.01A Certification of Approval to Supervise a Physical Therapist Assistant has been issued by the Department upon recommendation of the Board pursuant to requirements in 172 NAC 137-007.~~

137-006.021 Under no circumstances will a No certified physical therapist assistant shall perform the following:

1. Interpretation of physician referrals;
- ~~2. Plan treatment programs~~
2. Development of a plan of care;
3. Initial evaluation or reevaluation of patients;
4. Readjustment of ~~treatment programs~~ a plan of care without consultation with ~~the certified and licensed~~ supervising physical therapist;
- ~~5. Tests and measurements, with the exception of goniometry and functional muscle testing; or~~
5. Discharge planning for patients.
- ~~6. Home instructions to patients or families;~~
- ~~7. Joint assessment and mobilization; or~~
- ~~8. Complex neurodevelopmental treatments.~~

~~137-006.03 A certified physical therapist assistant may perform physical therapy services only in those locations listed on the application for certification of approval to supervise.~~

~~137-006.03A These locations are limited to:~~

- ~~1. The office of the physical therapist to whom s/he is assigned;~~
- ~~2. When the physical therapist to whom s/he is assigned is present or providing supervision;~~
- ~~3. In a hospital, with the approval of the appropriate authority of such hospital, where the physical therapist to whom s/he is assigned is a member of the staff; or~~
- ~~4. On calls outside the office of the physical therapist when the assigned patients and the place of practice of the physical therapist assistant are identical to that of the primary care supervising physical therapist to whom s/he is assigned.~~

137-006.02 A physical therapist assistant being directed to perform physical therapy services must notify the supervising physical therapist of any change from routine responses that occur during or prior to treatment warranting a reevaluation of or a change in the patient treatment plan.

137-006.03 A physical therapist assistant may document physical therapy services provided by the physical therapist assistant without the signature of the supervising physical therapist.

~~137-006.0403B~~ A satellite office staffed solely by a physical therapist assistant is prohibited. Physical Therapist Assistant Acting As Clinical Instructor: A physical therapist assistant may act as a clinical instructor for physical therapist assistant students in an approved educational program.

137-006.04A All patient care services delivered by a physical therapist assistant student, working under the clinical instruction of a physical therapist assistant, must be rendered under the direct supervision of a supervising physical therapist or physical therapist assistant.

137-006.04B A physical therapist assistant acting as a clinical instructor may assign the supervision of the physical therapist assistant student to another qualified physical therapist assistant or physical therapist during scheduled or non-scheduled periods of absence from the clinical setting. Periods of clinical absence include but are not limited to: vacation, illness, or family emergencies.

~~137-007— REQUIREMENTS FOR CERTIFICATION OF APPROVAL TO SUPERVISE A PHYSICAL THERAPIST ASSISTANT: A physical therapist assistant performs physical therapy services only under the onsite supervision of a Nebraska licensed physical therapist who is certified to supervise the physical therapist assistant, except in cases of emergency or when appropriate duties and protocols have been outlined in the initial application and approved by the Board. The criteria for issuance of a certification of approval to supervise and the documentation required by the Department and the Board are set forth below:~~

~~1. Approval for Supervision: The Department, upon recommendation of the Board, approves an application submitted by a physical therapist for certification of approval to supervise a physical therapist assistant when:~~

- ~~a. The physical therapist assistant holds a valid Nebraska certificate;~~
- ~~b. The physical therapist holds a valid Nebraska license;~~
- ~~c. The physical therapist practices in Nebraska;~~
- ~~d. The physical therapist identifies the settings in which the physical therapist assistant will be providing physical therapy services;~~
- ~~e. The physical therapist and certified physical therapist assistant identify the agreed upon physical therapy functions to be performed by the physical therapist assistant pursuant to 172 NAC 137-008; and~~
- ~~f. The physical therapist submits:~~

- ~~(a) A complete application signed by the physical therapist assistant and the physical therapist, on a form provided by the Department or on an alternate format, which includes the following information:~~
 - ~~a. Complete name of the supervising physical therapist including middle or maiden name;~~
- ~~(b) Mailing address including street, P.O. Box, route, city, state and zip;~~
- ~~(c) Nebraska license number;~~
- ~~(d) Telephone number including area code (optional);~~
- ~~(e) If any disciplinary action has been taken against applicant's license, applicant must submit a letter of explanation of the disciplinary action;~~
- ~~(f) The names and certificate numbers for any current supervisory certifications currently held, if any;~~
- ~~(g) The name, address and certification number of the physical therapist assistant that you are applying to supervise;~~
- ~~(h) List all facilities (including all facility names, addresses and the type of facility where the physical therapist assistant will be practicing;~~
- ~~(i) List the agreed upon physical therapy functions to be performed by the physical therapist assistant; and~~
- ~~(j) The required fee for certification of approval to supervise a physical therapist assistant.~~
- ~~(k) Sign and date the following statement: I hereby solemnly affirm that the foregoing statements are true. I will not allow my physical therapist assistant to perform any physical therapy services that are not authorized on my application for approval to supervise a physical therapist assistant as required by law. Upon approval by the Board of Physical Therapy, I agree to supervise the forenamed physical therapist assistant with regard to all items checked in the activities section and at the practice site(s) listed as required by the laws of Nebraska and the regulations duly promulgated thereunder. I agree not to enlarge the scope utilization or location without prior written amended agreement.~~

- ~~(1) The required fee for certification of approval to supervise a physical therapist assistant.~~

- ~~2. The Department will act within 150 days upon all completed applications for approval to supervise a physical therapist assistant.~~
- ~~3. A physical therapist must be granted approval to supervise no more than two physical therapist assistants at any one time.~~

137-007 FINE-WIRE ELECTROMYOGRAPHY

137-007.01 The Board approves a physical therapist to perform tissue penetration for the purpose of fine-wire electromyography with documented evidence of successful completion of one of the following:

1. Completion of pre-service or in-service training where the content includes the following:
 - a. Pertinent anatomy and physiology;
 - b. Choice and operation of equipment;
 - c. Knowledge of test indications;
 - d. Proper technique of tissue penetration;
 - e. Sterile methods, hazards, and complications;
 - f. Post test care;
 - g. Knowledge in test interpretation; and
 - h. Documentation of ten kinesiology electromyographic examinations in an educational environment; or
2. Authorization to perform fine-wire electromyography from another state with substantially equivalent requirements; or
3. Certification from the American Board of Clinical Specialists in the area of Clinical Electrophysiology.

137-007.02 Acceptable evidence of successful completion of a fine-wire electromyography course must be one of the following:

1. Certificate of completion of pre-service or in-service training;
2. Certificate from another state authorizing fine-wire electromyography or;
3. Copy of certification from the American Board of Clinical Specialists in the area of Clinical Electrophysiology.

137-007.03 Acceptable evidence of course completion must be maintained by the licensee and available upon request by the Department.

137-008 REQUIREMENTS FOR SUPERVISION OF PHYSICAL THERAPIST ASSISTANTS

~~The supervising physical therapist provides supervision while the physical therapist assistant is performing physical therapy services. The following standards of supervision must be met: A physical therapist supervising a physical therapist assistant must meet the following standards of supervision:~~

1. A physical therapist may provide general supervision for no more than two physical therapist assistants at any point in time during the physical therapist's work day.
2. All physical therapy services performed by the physical therapist assistant are under the general supervision of a supervising physical therapist. General supervision means supervision either onsite or by means of telecommunication.
 - (a) All telecommunications must be documented in the medical records of patients under care of the supervising physical therapist.
 - (b) When the supervising physical therapist is unavailable s/he must transfer responsibility of all patient care to another qualified physical therapist who will assume responsibility for all patient care including those being rendered by the physical therapist assistant under general supervision.
3. The supervising physical therapist maintains primary responsibility for all patient care services including those rendered by a physical therapist assistant under general supervision.
4. Requirements for the assignment of services to physical therapist assistants: It is the responsibility of the supervising physical therapist to determine which tasks require the clinical reasoning expertise of the physical therapist and which tasks can be safely assigned to the physical therapist assistant under general supervision.
 - a. Assignment of services related to patient/client management is dependent upon the clinical practice setting in addition to patient complexity and acuity. Clinical practice settings include but are not limited to:
 - (1) Rehabilitation facilities;
 - (2) Acute care facilities;
 - (3) Skilled nursing;
 - (4) Nursing homes;
 - (5) Home health;
 - (6) Outpatient facilities;
 - (7) Industrial rehabilitation facilities;
 - (8) School-based settings; and
 - (9) Client preventative services.
 - b. Patient complexity and acuity must also be considered when a physical therapist assigns patient/client services to a physical therapist assistant. The supervising physical therapist must exercise professional judgment when

determining what services can or cannot be assigned to the physical therapist assistant. The following factors inherent in direct patient care must be considered by the supervising physical therapist when assigning services, and must be commensurate with the education, training, and experience of the physical therapist assistant under general supervision. These factors

apply to all clinical settings where physical therapy services are rendered by a physical therapist assistant under general supervision.

- (1) Predictability of action - How confident is the physical therapist assistant in predicting consequences of action related to patient care?
- (2) Stability of the environment - How confident is the physical therapist assistant in clinical problem solving issues related to change in patient status?
- (3) Observability of patient status – How easy is it to observe or perceive relevant clinical indicators of patient status?
- (4) Ambiguity of patient status – How difficult is it to interpret phenomena related to change in relevant clinical indicators?
- (5) Criticality of patient treatment – What consequences exist for a poor choice in patient intervention?

5. A supervising physical therapist must reevaluate or reexamine each patient and the plan of care of the patient receiving physical therapy services from a physical therapist assistant a minimum of least one time every 30 calendar days under general supervision. More frequent reevaluations or reexaminations by the supervising physical therapist may be warranted dependent upon the following parameters:

- a. Patient complexity and acuity;
- b. Upon request by the physical therapist assistant;
- c. When a change in treatment plan is warranted; and
- d. Any significant change in the medical status of the patient.

6. The supervising physical therapist will provide final documentation for discharge of patient care being rendered by a physical therapist assistant under general supervision, including patient response to treatment at the time of discharge. The physical therapist assistant may participate in the discharge process for patient care by providing subjective and objective patient information to the supervising physical therapist.

7. General supervision of the physical therapist assistant in satellite clinics: A physical therapist may supervise a physical therapist assistant in a satellite clinic under general supervision. Satellite clinics include but are not limited to:

- a. Rehabilitation facilities;
- b. Acute care facilities;
- c. Skilled nursing facilities;

- d. Nursing homes;
- e. Schools-based settings;
- f. Outpatient clinics;
- g. Home health; and
- h. Client preventative facilities.

(1) When a physical therapist assistant is rendering physical therapy services in a satellite clinic the following requirements apply as well as 172 NAC 137-008, items 1-6:

(a) A supervisory visit with the physical therapist will be made every 30 days or at a higher frequency if warranted. More frequent reevaluations or reexaminations by the supervising physical therapist may be warranted dependent upon the following parameters:

- [1] Patient complexity and acuity;
- [2] Upon request by the physical therapist assistant;
- [3] When a change in treatment plan is warranted; and
- [4] Any significant change in the medical status of the patient.

(2) A supervisory visit is defined as an on-site visit by the supervising physical therapist in consultation with the physical therapist assistant. The on-site visit should include direct patient contact for the purpose of reevaluation or reexamination of patient status, a review of the plan of care with revision and or termination of treatment as warranted, and a reassessment for utilization of outside resources for physical therapy services. The on-site visit may occur in any clinical setting where the supervising physical therapist renders patient care.

(3) The supervising physical therapist will provide final documentation for discharge of patient care being rendered by a physical therapist assistant in a satellite clinic under general supervision, including patient response to treatment at the time of discharge. The physical therapist assistant may participate in the discharge process for patient care by providing subjective and objective patient information to the supervising physical therapist.

(4) No physical therapist may establish a satellite clinic for the purpose of rendering physical therapy services staffed solely by a physical therapist assistant.

~~1. All procedures performed by the physical therapist assistant must be under onsite supervision of the supervising physical therapist except in cases of emergency or when the physical therapist assistant is performing the following duties:~~

- ~~a. Ambulating patients;~~
 - ~~b. Applying hot packs;~~
 - ~~c. Performing range of motion/therapeutic exercises;~~
 - ~~d. Paraffin baths;~~
 - ~~e. Ultrasound;~~
 - ~~f. Electrical stimulation;~~
 - ~~g. Hydrotherapy;~~
 - ~~h. Massage;~~
 - ~~i. Short-wave diathermy;~~
 - ~~j. Microwave diathermy;~~
 - ~~k. Gait training;~~
 - ~~l. Goniometry; and~~
 - ~~m. Mechanical traction.~~
- ~~2. A physical therapist assistant performing any of the procedures pursuant to 172 NAC 137-008 item 1, must notify the supervising physical therapist of any change from routine responses which occurs during or prior to treatment warranting a reevaluation of or change in the patient treatment plan.~~
- ~~3. When any physical therapist assistant without onsite supervision performs any of the procedures pursuant to 172 NAC 137-008 item 1, the supervising physical therapist must provide onsite supervision once every seven days or once every five treatments, whichever comes first. During onsite supervision, the supervising physical therapist will reevaluate the patient and provide treatment. The reevaluation and conference between the supervising physical therapist and physical therapist assistant will be documented by outlining the treatment goals and program modifications.~~
- ~~4. The supervising physical therapist must make the final visit to terminate the plan of care.~~
- ~~5. A physical therapist supervising a physical therapist assistant must meet the following standards of supervision:~~
- 8. Responsibility of the supervising physical therapist:
 - a. For each patient under his/her care, a physical therapist must:
 - (1) Be responsible for managing all aspects of physical therapy services provided to the patient and assume legal liability for physical therapy and related services provided under his/her supervision;
 - (2) Provide initial evaluation and documentation of the evaluation;
 - (3) Provide periodic reevaluation and documentation of the reevaluation;
 - (4) Provide documentation for discharge, including the patient's response response to therapeutic intervention at the time of discharge; and
 - (5) Be responsible for accurate documentation and billing for services

provided.

b. For each patient under his or her care on each date physical therapy services are provided to such patient, a physical therapist must:

(1) Provide all therapeutic interventions that require the expertise of a

physical therapist; and

(2) Determine the appropriate use of physical therapist assistants or physical therapy aides.

a. A physical therapist assistant must not perform the following:

(1) Interpretation of physician orders;

(2) Plan treatment programs;

(3) Initial evaluation or reevaluation of patients;

(4) Readjustment of treatment programs without consultation with the licensed physical therapist;

(5) Tests and measurements, with the exception of goniometry and functional muscle testing;

(6) Home instruction to patients or families;

(7) Joint assessment and mobilization; or

(8) Complex neurodevelopmental treatments.

b. A physical therapist assistant practices only at locations listed on the application for certification of approval to supervise and approved by the Board when the supervising physical therapist is present or providing supervision. Such locations will be limited to:

(1) The office of the supervising physical therapist;

(2) In a hospital, with the approval of the appropriate authority of such hospital, where the supervising physical therapist is a member of the staff; or

(3) On calls outside the office when the assigned patients and place of practice of the physical therapist assistant are identical to that of the primary care supervisory physical therapist.

137-009 USE OF UNLICENSED PERSONNEL ~~The~~ A physical therapy aide is a person non-
certified worker who is specifically trained under the direction of a physical therapist and
performs treatment-related and non-treatment-related tasks under the direct supervision of a
physical therapist or a physical therapist assistant. ~~Physical therapists may utilize physical~~
~~therapy aides to perform routine tasks related to the operation of a physical therapy service, and~~
~~may also allow aides to assist with the following physical therapy related activities that include,~~
~~but are not limited to:~~

137-009.01 Non-treatment related tasks include, but are not limited to: Secretarial,
eClerical, and housekeeping, facility maintenance or patient transportation services duties
or patient related to the practice of physical therapy activities that do not involve treatment

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such as transporting patients, assisting patient in preparation for treatment, removing and applying assistive and supportive devices without direct supervision;

137-009.02 Treatment Related Tasks: The physical therapy aide may assist the physical therapist in treatment with treatment related activities tasks. Assisting means activity performed in conjunction with the physical therapist or physical therapist assistant;

- (1) When ~~the routine technical portions of treatment-related tasks~~ are performed by an aide, the following guidelines will be followed:

- (a) At each treatment session ~~the patient~~ treatment is initiated by a must be seen first by the physical therapist or physical therapist assistant to determine appropriate care;
- (b) ~~The physical therapy aide must receive training from a physical therapist for all procedures that the aide will perform. A physical therapy aide cannot solely provide an intervention;~~ and
- (c) ~~The physical therapist must make all decisions regarding treatment location, direction and intensity. The physical therapy aide must receive training from a physical therapist for all procedures that the aide will perform.~~

- (2) ~~Routine technical portions of clinical treatment performed by a physical therapy aide includes and is limited to:~~

- ~~(a) Applying hot packs or cold packs;~~
- ~~(b) Administering paraffin baths;~~
- ~~(c) Monitoring exercise programs of patients that have been pre-instructed by the physical therapist (exercise programs will not include joint mobilization or complex neurodevelopmental treatment);~~
- ~~(d) Applying pre-determined unattended electrical stimulation;~~
- ~~(e) Administering whirlpool treatment excluding wound care; and~~
- ~~(f) Applying pre-determined ultrasound.~~

137.009.03-e. The physical therapy aide must not interpret referrals, perform evaluations or evaluative procedures, initiate or adjust treatment programs, or assume responsibility for planning patient treatment care.

137-009.04d. A physical therapy aide must receive ~~on-site direct~~ supervision, orders, and directions from a physical therapist or physical therapist assistant.

137-009.05e. The physical therapy aide must be knowledgeable ~~in~~ of the preparation of equipment and accessories and all other operational activities relevant to equipment and accessories necessary for treatment.

137-009 DENIAL OF CERTIFICATION OF APPROVAL TO SUPERVISE A PHYSICAL THERAPIST ASSISTANT: Approval to supervise will be denied by the Department with concurrence of the Board upon evidence of any of the following:

- ~~1. The physical therapist does not hold a valid license to practice as a physical therapist in Nebraska;~~

- ~~2. The physical therapist assistant does not have a valid certification to practice as a physical therapist assistant in Nebraska;~~
- ~~3. The physical therapist proposes to use the physical therapist assistant in a satellite facility;~~
- ~~4. The physical therapist proposes to permit the physical therapist assistant to perform duties beyond the scope of practice of a physical therapist assistant;~~
- ~~5. The physical therapist proposes to use the physical therapist assistant without the supervision required by law; or~~
- ~~6. There is evidence of past disciplinary action taken against the physical therapist by a state licensing agency regarding inappropriate use of a physical therapist assistant or any violation pursuant to 172 NAC 137-019.~~

~~137-010 RESERVED TERMINATION OF SUPERVISION: If supervision of a physical therapist assistant is terminated by the physical therapist or by the physical therapist assistant:~~

- ~~1. The physical therapist must immediately notify the Department in writing of such termination and the date supervision ceased or will cease;~~
- ~~2. The physical therapist assistant must cease providing any physical therapy services on the date approved supervision is terminated; and~~
- ~~3. Failure of a physical therapist to notify the Department of Termination of Supervision of a physical therapist assistant may result in denial of future applications for approval to supervise a physical therapist assistant.~~

~~137-011 LIABILITY FOR NEGLIGENCE OF PHYSICAL THERAPIST ASSISTANT: Any physical therapist utilizing a physical therapist assistant will be liable for any negligent acts or omissions of the physical therapist assistant while acting under his/her supervision and control.~~

~~The physical therapist must be responsible for managing all aspects of physical therapy services provided to the patient and assume legal liability for physical therapy and related services provided under his/her supervision.~~

~~137-012 RESERVED REVOCATION OF APPROVAL TO SUPERVISE A PHYSICAL THERAPIST ASSISTANT: The Department, with the concurrence of the Board, may limit, deny, suspend, or revoke the certificate of approval to supervise a physical therapist assistant:~~

- ~~1. If the license of the supervising physical therapist is limited, suspended, or revoked; or~~
- ~~2. If the supervising physical therapist violates any provision of these regulations or the statutes pursuant to which they were adopted; and~~
- ~~3. For any of the grounds pursuant to 172 NAC 137-009.~~

137-013 EXAMINATION ELIGIBILITY

137-013.01 Physical Therapist Licensure Examination: To be eligible to take the licensure examination, an applicant must have met all the requirements for licensure pursuant to 172 NAC 137-003.01 or 137-003.02 except passing the licensure examination.

137-013.02 Physical Therapist Assistant Certification Examination: To be eligible to take the certification examination, an applicant must have met all the requirements for certification pursuant to 172 NAC 137-005.01 except passing the certification examination.

137-013.03 Jurisprudence Examination for Applicants Applying Based on a License or Certificate in Another Jurisdiction: To be eligible to take the jurisprudence examination, the applicant must have met all requirements for licensure or certification that are pursuant to 172 NAC 137-003.03 or 137-005.02 except passing the jurisprudence examination.

137-014 EXAMINATION PROCEDURES

137-014.01 Physical Therapist Licensure Examination: The Department will notify an applicant in writing of the licensure examination results within 60 days after notification of the examination scores.

137-014.02 Physical Therapist Assistant Certification Examination: The Department will notify an applicant in writing of the certification examination results within 60 days after notification of the examination scores.

137-014.03 Reexamination

137-014.03A An applicant who fails the licensure examination may apply for reexamination by submitting a new application pursuant to 172 NAC 137-003.01, item 4c and the licensure fee pursuant to 172 NAC 137-021.

137-014.03B An applicant who fails the certification examination may apply for reexamination by submitting a new application pursuant to 172 NAC 137-005.01, item 4c and the certification fee pursuant to 172 NAC 137-021.

137-014.03C The Department will notify an applicant in writing of the reexamination results within 60 days after notification of the examination scores.

137-015 RENEWAL REQUIREMENTS FOR PHYSICAL THERAPIST LICENSE: All licenses issued by the Department under this Act and these regulations expire on November 1 of each odd-numbered year

137-015.01 Renewal Process: Any licensee who wishes to renew his/her license must:

1. Meet continuing competency requirements pursuant to 172 NAC 137-022;
2. Pay the renewal fee as pursuant to 172 NAC 137-021;

3. Respond to the following questions:

- a. Has your license in any health care profession in another state been revoked, suspended, limited, or disciplined in any manner?
- b. Have you been convicted of a misdemeanor or a felony?

These questions related to the time period since the last renewal of the license or during the time period since initial licensure in Nebraska if such occurred within the two years prior to the expiration date; and

4. Cause to be submitted to the Department:

- a. The renewal notice;
- b. The renewal fee; and
- c. Attestation of completing 20 hours of continuing education earned within 24 months of the date of expiration or application for waiver of continuing competency requirements. Attestation to meeting continuing competency requirements satisfies the submission of the documentation requirement of Neb. Rev. Stat. § 71-110:
- d. If any disciplinary action was taken against the applicant's license by another state, an official copy of the disciplinary action, including charges and disposition;
- e. If the licensee has been convicted of a felony or misdemeanor:
 - (1) Official Court Record, which includes charges and disposition;
 - (2) Copies of arrest records;
 - (3) A letter from the licensee explaining the nature of the conviction;
 - (4) All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required; and
 - (5) A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on probation.

137-015.02 First Notice: At least 30 days before November 1 of each odd-numbered year, the Department will send a renewal notice by means of regular mail to each licensee's last known address as noted in the records of the Department. It is the responsibility of the licensee prior to the renewal period to notify the Department of any name and/or address changes.

137-015.02A The renewal notice will specify:

1. The name of the licensee;
2. The license holder's last known address of record;

3. The license number;
4. The expiration date of the license;
5. The renewal fee pursuant to 172 NAC 137-021;
6. The number of continuing education hours required for renewal; and
7. The option to place the license on either inactive or lapsed status.

137-015.02B The licensee must apply for renewal by submitting to the Department:

1. The renewal notice;
2. The renewal fee;
3. The licensee's Social Security Number;
4. Attestation of completing 20 hours of continuing education earned within 24 months of the date of expiration or application for waiver of continuing competency requirements; and
5. Documentation relating to misdemeanor or felony conviction(s) or licensure revocation, suspension, limitation, or disciplinary action (if applicable).

137-015.02C If the licensee wishes to place his/her license on either inactive or lapsed status s/he must:

1. Request that his/her license be placed on inactive status by submitting to the Department:
 - a. The renewal notice with a check in the box marked inactive; and
 - b. The fee of \$25; or
2. Request that his/her license be placed on lapsed status by submitting to the Department:
 - a. The renewal notice with a check in the box marked lapsed.

137-015.02D The Department will notify the licensee in writing of the acceptance or denial of the request to allow the license to be placed on inactive or lapsed status.

137-015.03 Second Notice: The Department will send to each licensee who fails to renew his/her license or place the license on inactive or lapsed status in response to the first notice, a second notice of renewal pursuant to 172 NAC 137-015.01 that specify:

1. That the licensee failed to pay the renewal fee;
2. That the license has expired;
3. That the licensee is subject to an administrative penalty pursuant to 172 NAC 137-023 if s/he practices after the expiration date;
4. That upon receipt of the renewal fee, together with additional late fee of \$25, and documentation of continuing competency requirements within that time, no order of revocation will be entered; and

5. That upon failure to receive \$25 in addition to the regular renewal fee and documentation of continuing competency requirements, the license will be revoked pursuant to 172 NAC 137-018.

137-015.04 The license holder must apply for renewal by submitting to the Department:

1. The renewal notice;
2. The renewal fee, and, the additional fee of \$25;
3. The license holder's Social Security Number;
4. Attestation by the licensee:
 - (a) That s/he has not practiced in Nebraska since the expiration of his/her license; or
 - (b) To the actual number of days practiced in Nebraska since the expiration of his/her license.
5. Attestation of completing 20 hours of continuing education earned within 24 months of the date of expiration or waiver of continuing competency requirements; and
6. Documentation relating to misdemeanor or felony conviction(s) or licensure revocation, suspension, limitation or disciplinary action (if applicable).

137-015.05 If the licensee wishes to place his/her license on either inactive or lapsed status s/he must:

1. Request that his/her license be placed on inactive status by submitting to the Department:
 - a. The renewal notice with a check in the box marked inactive; and
 - b. The fee of \$25; or
2. Request that his/her license be placed on lapsed status by submitting to the Department:
 - a. The renewal notice with a check in the box marked lapsed.

137-015.06 The Department will notify the licensee in writing of the acceptance or denial of the request to allow the license to be placed on lapsed or inactive status.

137-015.07 When any licensee fails, within 30 days of expiration of a license, to pay the renewal fee, to submit documentation of continuing competency requirements and/or to pay an additional fee of \$25 the Department will automatically revoke the license without further notice or hearing and will make proper record of the revocation.

137-015.08 Failure to meet the continuing competency requirement for renewal within 30 days of expiration of his/her license will constitute non-renewal of licensure, unless a waiver of continuing competency requirements is granted or the license is placed on inactive or lapsed status. When any licensee fails, within 30 days of expiration of a license, to meet the continuing competency requirements for renewal, and/or to pay an

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additional late fee of \$25, the Department will revoke the registration after notice and opportunity for hearing. Hearings held before the Department will be conducted pursuant to Neb. Rev. Stat. §§ 84-901 to 84-920, Administrative Procedure Act and 184 NAC 1, the Rules of Practice and Procedure for the Department.

137-015.09 When the licensee has given notification to the Department that s/he desires to have the license lapse or be placed on inactive status upon expiration, 172 NAC 137-006.07 and 006.08 will not apply.

137-015.10 The Department may refuse to renew a license for falsification of any information submitted for renewal of a license. The refusal will be made pursuant to Neb. Rev. Stat. §§ 71-149 to 71-155 and 184 NAC 1, the Rules of Practice and Procedure for the Department.

137-016 RENEWAL OF PHYSICAL THERAPIST ASSISTANT CERTIFICATION: All certificates issued by the Department under this Act and these regulations expire on November 1 of each odd-numbered year.

137-016.01 Renewal Process: Any certificate holder who wishes to renew his/her certificate must:

1. Meet continuing competency requirements pursuant to 172 NAC 137-022;
2. Pay the renewal fee pursuant to 172 NAC 137-021;
3. Respond to the following questions:
 - a. Has your certificate in any health care profession in another state been revoked, suspended, limited, or disciplined in any manner?
 - b. Have you been convicted of a misdemeanor or a felony?

These questions related to the time period since the last renewal of the certificate or during the time period since initial certification in Nebraska if such occurred within the two years prior to the expiration date.

4. Cause to be submitted to the Department:
 - a. The renewal notice;
 - b. The renewal fee; and
 - c. Attestation of completing 10 hours of continuing education earned within 24 months of the date of expiration or application for waiver of continuing competency requirements;
 - d. If any disciplinary action was taken against the applicant's certificate by another state, an official copy of the disciplinary action, including charges and disposition;
 - e. If the certificate holder has been convicted of a felony or misdemeanor:

- (1) Official Court Record, which includes charges and disposition;
- (2) Copies of arrest records;
- (3) A letter from the certificate holder explaining the nature of the conviction;
- (4) All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required; and
- (5) A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on probation.

137-016.02 First Notice: At least 30 days before November 1 of each odd-numbered year, the Department will send a renewal notice by means of regular mail to each certificate holder's last known address as noted in the records of the Department. It is the responsibility of the certificate holder prior to the renewal period to notify the Department of any name and/or address changes.

137-016.02A The renewal notice will specify:

1. The name of the certificate holder;
2. The certificate holder's last known address of record;
3. The certificate number;
4. The expiration date of the certificate;
5. The renewal fee pursuant to 172 NAC 137-023;
6. The number of continuing education hours required for renewal; and
7. The option to place the certificate on either inactive or lapsed status.

137-016.02B The certificate holder must apply for renewal by submitting to the Department:

1. The renewal notice;
2. The renewal fee;
3. The certificate holder's Social Security Number;
4. Attestation of completing 10 hours of continuing education earned within 24 months of the date of expiration or application for waiver of continuing competency requirements; and
5. Documentation relating to misdemeanor or felony conviction(s) or certification, revocation, suspension, limitation, or disciplinary action (if applicable).

137-016.02C If the certificate holder wishes to place his/her license on either inactive or lapsed status s/he must:

1. Request that his/her certificate be placed on inactive status by submitting to the Department:

- a. The renewal notice with a check in the box marked inactive; and
- b. The fee of \$25; or

2. Request that his/her certificate be placed on lapsed status by submitting to the Department:

- a. The renewal notice with a check in the box marked lapsed.

137-016.02D The Department will notify the certificate holder in writing of the acceptance or denial of the request to allow the certificate to be placed on inactive or lapsed status.

137-016.03 Second Notice: The Department will send to each certificate holder who fails to renew his/her certificate or place the certificate on inactive or lapsed status in response to the first notice, a second notice of renewal pursuant to the requirements of 172 NAC 137-016.01 that specify:

1. That the certificate holder failed to pay the renewal fee;
2. That the certificate has expired;
3. That the certificate holder is subject to an administrative penalty pursuant to 172 NAC 137-023 if s/he practices after the expiration date;
4. That upon receipt of the renewal fee, together with additional late fee of \$25, and documentation of continuing competency requirements within that time, no order of revocation will be entered; and
5. That upon failure to receive \$25 in addition to the regular renewal fee and documentation of continuing competency requirements, the certificate will be revoked pursuant to 172 NAC 137-018.

137-016.04 The certificate holder must apply for renewal by submitting to the Department:

1. The renewal notice;
2. The renewal fee, and, the additional fee of \$25;
3. The certificate holder's Social Security Number.
4. Attestation by the licensee:
 - (a) That s/he has not practiced in Nebraska since the expiration of his/her license; or
 - (b) To the actual number of days practiced in Nebraska since the expiration of his/her license.
5. Attestation of completing 10 hours of continuing education earned within 24 months of the date of expiration or waiver of continuing competency requirements; and
6. Documentation relating to misdemeanor or felony conviction(s) or certification revocation, suspension, limitation or disciplinary action (if applicable).

137-016.05 If the certificate holder wishes to place his/her certificate on either inactive or lapsed status s/he must:

1. Request that his/her certificate be placed on inactive status by submitting to the Department:
 - a. The renewal notice with a check in the box marked inactive; and
 - b. The fee of \$25; or
2. Request that his/her certificate be placed on lapsed status by submitting to the Department:
 - a. The renewal notice with a check in the box marked lapsed.

137-016.06 The Department will notify the certificate holder in writing of the acceptance or denial of the request to allow the certificate to be placed on lapsed or inactive status.

137-016.07 When any certificate holder fails, within 30 days of expiration of a certificate, to pay the renewal fee, to submit documentation of continuing competency requirements and/or to pay an additional fee of \$25 the Department will automatically revoke the certificate without further notice or hearing and will make proper record of the revocation.

137-016.08 Failure to meet the continuing competency requirements for renewal within 30 days of expiration of his/her certificate will constitute non-renewal of certification, unless a waiver of continuing competency requirements is granted or the certificate is placed on inactive or lapsed status. When any certificate holder fails, within 30 days of expiration of a license, to meet the continuing competency requirements for renewal, and/or to pay an additional late fee of \$25, the Department will revoke the certificate after notice and opportunity for hearing. Hearings held before the Department will be conducted pursuant to Neb. Rev. Stat. §§ 84-901 to 84-920 Administrative Procedure Act and 184 NAC 1, the Rules of Practice and Procedure for the Department.

137-016.09 When the certificate holder has given notification to the Department that s/he desires to have the certificate lapse or be placed on inactive status upon expiration, 172 NAC 137-006.07 and 006.08 will not apply.

137-016.10 The Department may refuse to renew a certificate for falsification of any information submitted for renewal of a certificate. The refusal will be made pursuant to Neb. Rev. Stat. §§ 71-149 to 71-155 and 184 NAC 1, the Rules of Practice and Procedure for the Department.

~~137-017 RESERVED RENEWAL OF A PHYSICAL THERAPIST CERTIFICATION OF APPROVAL TO SUPERVISE A PHYSICAL THERAPIST ASSISTANT: All certificates issued by the Department under this Act and these regulations for approval to supervise a physical therapist assistant expire on November 1 of each year.~~

~~137-017.01 Renewal Process: Any certificate holder who wishes to renew his/her certificate must:~~

- ~~1. Pay the renewal fee pursuant to 172 NAC 137-021; and~~
- ~~2. Respond to the following questions:~~
 - ~~a. Has your certificate in any health care profession in another state been revoked, suspended, limited, or disciplined in any manner?~~
 - ~~b. Have you been convicted of a misdemeanor or a felony?~~

~~These questions related to the time period since the last renewal of the certificate or during the time period since initial certification in Nebraska if such occurred within the year prior to the expiration date.~~

~~3. Cause to be submitted to the Department:~~

- ~~a. The renewal notice;~~
- ~~b. The renewal fee; and~~
- ~~c. If any disciplinary action was taken against the applicant's certificate by another state, an official copy of the disciplinary action, including charges and disposition;~~
- ~~d. If the certificate holder has been convicted of a felony or misdemeanor:~~

- ~~(1) Official Court Record, which includes charges and disposition;~~
- ~~(2) Copies of arrest records;~~
- ~~(3) A letter from the certificate holder explaining the nature of the conviction;~~
- ~~(4) All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required; and~~
- ~~(5) A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on probation.~~

~~137-017.02 First Notice: At least 30 days before November 1 of each year, the Department will send a renewal notice by means of regular mail to each certificate holder's last known address as noted in the records of the Department. It is the responsibility of the certificate holder prior to the renewal period to notify the Department of any name and/or address changes.~~

~~137-017.02A The renewal notice will specify:~~

- ~~1. The name of the certificate holder;~~
- ~~2. The certificate holder's last known address of record;~~
- ~~3. The certificate number;~~
- ~~4. The expiration date of the certificate; and~~
- ~~5. The renewal fee as pursuant to 172 NAC 137-013.~~

~~137-017.02B The certificate holder must apply for renewal by submitting to the Department:~~

- ~~1. The renewal notice;~~

- ~~2. The renewal fee;~~
- ~~3. The certificate holder's Social Security Number; and~~
- ~~4. Documentation relating to misdemeanor or felony conviction(s) or certificate revocation, suspension, limitation, or disciplinary action (if applicable).~~

~~137-017.03 Second Notice: The Department will send to each certificate holder who fails to renew his/her certificate in response to the first notice, a second notice of renewal in pursuant to the requirements of 172 NAC 137-017.01 that specify:~~

- ~~1. That the certificate holder failed to pay the renewal fee;~~
- ~~2. That the certificate has expired;~~
- ~~3. That the licensee is subject to an administrative penalty pursuant to 172 NAC 137-023 if s/he practices after the expiration date;~~
- ~~4. That upon receipt of the renewal fee and the additional fee of \$25, no order of revocation will be entered; and~~
- ~~5. That upon failure to receive \$25 in addition to the regular renewal fee, the license will be revoked pursuant to 172 NAC 137-018.~~

~~137-017.04 The certificate holder must apply for renewal by submitting to the Department:~~

- ~~1. The renewal notice;~~
- ~~2. The renewal fee, and, the additional fee of \$25;~~
- ~~3. The certificate holder's Social Security Number; and~~
- ~~4. Documentation relating to misdemeanor or felony conviction(s) or certification revocation, suspension, limitation or disciplinary action (if applicable).~~

~~137-017.05 When any certificate holder fails, within 30 days of expiration of a license, to pay the renewal fee and/or to pay an additional fee of \$25 the Department will automatically revoke the certificate without further notice or hearing and will make proper record of the revocation.~~

~~137-017.06 The Department may refuse to renew a certificate for falsification of any information submitted for renewal of a certificate. The refusal will be made pursuant to Neb. Rev. Stat. §§ 71-149 to 71-155 and 184 NAC 1, the Rules of Practice and Procedure for the Department.~~

137-018 REVOCATION FOR FAILURE TO MEET RENEWAL REQUIREMENTS: The Department automatically revokes a physical therapist license, ~~or a physical therapist assistant certification, or a physical therapist certification of approval to supervise a physical therapist assistant~~ when the licensee or certificate holder fails to meet the renewal requirements.

137-018.01 Revocation for Non-Payment of Renewal Fee:

137-018.01A When any licensee/certificate holder fails to pay the required renewal fee, to submit documentation of continuing competency requirements and/or to pay

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an additional fee of \$25 and fails to request that his/her license/certificate be placed on either inactive or lapsed status within 30 days of its expiration, the Department will automatically revoke the license/certificate without further notice or hearing.

137-018.01A1 The revocation notice specifies:

1. That the licensee/certificate holder was given a first and final notice of renewal requirements and the respective dates for these notices;
2. That the licensee/certificate holder failed to renew the license/certificate and to request that his/her license/certificate be placed on inactive or lapsed status;
3. That the Department has revoked the license/certificate;
4. That the licensee/certificate holder has a right to appeal the revocation; and
5. That the licensee/certificate holder has a right to reinstatement of the license/certificate.

137-018.02 Revocation for Failure to Meet Continuing Competency Requirements

137-018.02A When any licensee/certificate holder fails to meet the continuing competency requirement for licensure/certification renewal and fails to request that his/her license/certificate be placed on either inactive or lapsed status within 30 days of its expiration, the Department will revoke his/her license/certificate after notice and opportunity for a hearing.

137-018.02A1 The revocation notice specifies:

1. That the licensee/certificate holder was given a first and second notice of failure to meet the continuing competency requirements and the respective dates for these notices;
2. That the licensee/certificate holder failed to renew the license/certificate or to have his/her license/certificate timely placed on inactive or lapsed status;
3. That the Department will revoke the license/certificate Within 30 days of date of receipt of the notice unless the license/Certificate holder requests in writing a hearing;
4. That the licensee/certificate holder has a right to appeal the revocation; and
5. That the licensee/certificate holder has a right to reinstatement of the license/certificate.

137-019 GROUNDS ON WHICH THE DEPARTMENT MAY DENY, REFUSE RENEWAL OF, OR DISCIPLINE A LICENSE/CERTIFICATE

137-019.01 The Department denies an application for a license/certificate when the applicant fails to meet the requirements for licensure/certification pursuant to 172 NAC 137-003, 137-004, 137-005, 137-006, and/or 137-007 or is found to be in violation of any of the provisions of 172 NAC 137-019.03.

137-019.02 The Department refuses renewal of a license/certificate if the licensee/Certificate holder fails to meet the requirements pursuant to 172 NAC 137-015, 137-016, 137-017, or 137-019.03.

137-019.03 The Department may deny, refuse renewal of, limit, suspend, or revoke a license/certificate for any of the following grounds:

1. Fraud, forgery, or misrepresentation of material facts, in procuring or attempting to procure a license or certificate.
2. Grossly immoral or dishonorable conduct evidencing unfitness or lack of proficiency sufficient to meet the standards required for practice of the profession in this state.
3. Habitual intoxication or dependence or failure to comply with a treatment program or an aftercare program entered into under the Licensee Assistance Program.
4. Conviction of a misdemeanor or felony under state law, federal law, or the law of another jurisdiction and which, if committed within this state, would have constituted a misdemeanor or felony under state law and which has a rational connection with the applicant's, licensee's, or certificate holder's fitness or capacity to practice the profession.
5. Practice of the profession (a) fraudulently, (b) beyond its authorized scope, (c) with manifest incapacity, (d) with gross incompetence or gross negligence, or (e) in a pattern of negligent conduct. Pattern of negligent conduct means a continued course of negligent conduct in performing the duties of the profession.
6. Practice of the profession while the ability to practice is impaired by alcohol, controlled substances, narcotic drugs, physical disability, mental disability, or emotional disability.
7. Physical or mental incapacity to practice the profession as evidenced by a legal adjudication or a determination thereof by other lawful means.
8. Permitting, aiding, or abetting the practice of a profession or the performance of activities requiring a license or certificate by a person not licensed or certified to do so.
9. Having had his/her license or certificate denied, refused renewal, limited, suspended, or revoked or having had the license or certificate disciplined in

any other manner pursuant to Neb. Rev. Stat. § 71-155 by another state or jurisdiction to practice physical therapy based upon acts by the applicant, licensee, or certificate holder similar to acts pursuant to 172 NAC 137-019. A certified copy of the record of denial, refusal of renewal, limitation, suspension, or revocation of a license, certificate, or registration or the taking of other disciplinary measures against it by another state or jurisdiction will be conclusive evidence.

10. Unprofessional conduct, which term includes all acts pursuant to Neb. Rev. Stat. § 71-148 and the other acts which include but are not limited to:
 - a. Competence: A physical therapist/physical therapist assistant must not provide services for which s/he is not trained or experienced. Unprofessional conduct in the practice of physical therapy includes but is not limited to:
 - (1) Committing any act which endangers patient safety or welfare; and
 - (2) Failure to adhere to or departure from the standards of acceptable and prevailing practice in physical therapy.
 - b. Confidentiality: Without the prior written consent of a patient, a physical therapist/physical therapist assistant must hold in confidence information obtained from a patient, except in those unusual circumstances in which to do so would result in clear danger to the person or to others, or where otherwise required by law.
 - c. Professional Relationships: A physical therapist/physical therapist assistant must safeguard the welfare of patients and maintain professional relationships with patients. Commission of any of the following acts or behavior will constitute unprofessional conduct:
 - (1) Exploiting another person for one's own advantage;
 - (2) Performing or agreeing to perform physical therapy services that have been requested when the services are known to be contraindicated or unjustified;
 - (3) Performing or agreeing to perform procedures that have been requested when the procedures are known to be outside of the physical therapists/physical therapist assistant's scope of practice;
 - (4) Verbally or physically abusing patients;
 - (5) Falsification or unauthorized destruction of patient's records;
 - (6) Attempting to provide diagnostic or treatment information to patient(s) that is beyond the physical therapists/physical therapist assistant's level of education, training and expertise;
 - (7) Delegating to other personnel those patient related services for which the clinical skills and expertise of a physical therapist/physical therapist assistant are required;

- (8) Encouraging or promoting the practice of physical therapy by untrained or unqualified persons;
 - (9) Failure to safeguard the patient's dignity and right to privacy.
 - (10) Failure to maintain adequate patient records. Adequate patient records means legible records that contain at a minimum, sufficient information to identify the patient, and evaluation of objective findings, a plan of care, a treatment record, and a discharge plan.
- d. Sexual Misconduct: A physical therapist or physical therapist assistant must under no circumstances engage in sexual misconduct. Specifically with regard to patients, the unprofessional conduct includes but is not limited to:
- (1) Engaging in sexual relationships, whether consensual or non consensual with any patient while a physical therapist/physical therapist assistant/patient relationship exists;
 - (2) Engaging in sexual harassment of patients. Sexual harassment includes making unwelcome sexual advances, requesting sexual favors, and engaging in other verbal or physical conduct of a sexual nature which results in:
 - (a) Providing or denying physical therapy to a patient;
 - (b) Creating an intimidating, hostile, or offensive environment for the patient; or
 - (c) Interfering with a patient's ability to recover.
- e. Other unprofessional conduct includes but is not limited to:
- (1) Obtaining any fee for professional services by fraud, deceit or misrepresentation;
 - (2) The violation of an assurance of compliance entered into pursuant to Neb. Rev. Stat. § 71-171.02 of the Uniform Licensing Law;
 - (3) Failure to follow policies or procedures implemented in the practice situation to safeguard patient care;
 - (4) Failure to exercise appropriate supervision over persons who are authorized to practice only under the supervision of a physical therapist;
 - (5) Practicing in this state without a current Nebraska license, certification, or temporary license;
 - (6) Failure to obtain patient informed consent before treatment; and

- (7) Failure to take steps to transfer the continuum of care of the patient, as appropriate, to another health care provider in the event of elective termination of physical therapy services by the physical therapist.
- (8) Engaging in conduct that subverts or undermines the integrity of the examination or the examination process including, but not limited to, utilizing in any manner recalled or memorized examination questions from or with an person or entity, failing to comply with all test center security procedures, communicating or attempting to communicate with other examinees during the test, or copying or sharing examination questions or portions of questions.
- (9) Failure to complete continuing education competence requirements as established by rules and regulations.
- (10) Promoting any unnecessary device, treatment intervention or service resulting in the financial gain of the practitioner or of a third party.
- (11) Participating in under-utilization or over-utilization of physical therapy services for personal or institutional financial gain.
- 11. Use of untruthful or improbable statements, or flamboyant, exaggerated, or Extravagant claims concerning such licensee/certificate holder's professional Excellence or abilities, in advertisements.
- 12. Conviction of fraudulent or misleading advertising or conviction of a violation of the Uniform Deceptive Trade Practices Act.
- 13. Distribution of intoxicating liquors, controlled substances or drugs for any other than lawful purposes.
- 14. Willful or repeated violations of the Uniform Licensing Law or of 172 NAC 137-019.
- 15. Unlawful invasion of the field of practice of any profession mentioned in the Uniform Licensing Law which the licensee/certificate holder is not licensed or certified to practice.
- 16. Practicing the profession of physical therapy while his/her license/certificate is suspended or in contravention of any limitation placed upon his/her license/certificate.
- 17. Physical or mental illness or physical or mental deterioration or disability which

would render the applicant or licensee unqualified to practice his/her profession or occupation.

18. Refusal to submit to a physical or mental examination request by the Board, pursuant to Neb. Rev. Stat. §§ 71-161.12 to 71-161.16 to determine his/her qualifications to practice or to continue in the practice of the profession or occupation for which application was made or for which s/he is licensed/certified.

19. Failure to file a report pursuant to Neb. Rev. Stat. § 71-168.

137-019.04 If the Department proposes to deny, refuse renewal of, limit, revoke, or suspend a license/certificate the applicant or licensee/certificate holder must be given an opportunity for a hearing before the Department and will have the right to present evidence on his/her own behalf. Hearings before the Department will be pursuant to Neb. Rev. Stat. §§ 84-901 to 84-920, Administrative Procedure Act and 184 NAC 1, the Rules of Practice and Procedure for the Department.

137-020 RE-CREDENTIALING: This section applies to individuals previously issued a Nebraska credential who have lost the legal authority to practice in total or in part and who seek the authority to return to practice in Nebraska with a valid Nebraska credential.

137-020.01 Eligibility

137-020.01A An individual whose credential has been previously:

1. Placed on lapsed status;
2. Placed on inactive status;
3. Revoked for failure to meet the renewal requirements;
4. Suspended or limited for disciplinary reasons; or
5. Voluntarily surrendered or voluntarily limited for an indefinite period of time; may request, at any time, to be re-credentialed and re-authorized to practice under the credential, pursuant to these regulations.

137-020.01B An individual whose credential has been revoked for disciplinary reasons may apply for reinstatement only after a period of two years has elapsed from the date of revocation.

137-020.01C An individual who practices prior to re-credentialing, is subject to:

1. Assessment of an administrative penalty pursuant to 172 NAC 137-023; and
2. Limitation or other sanction on the credential, or denial of the request to be re-credentialed and re-authorized to practice under the credential, and referral for prosecution for uncredentialed practice, as provided in the statutes and regulations governing the credential.

137-020.02 Requirements for Restoration from Lapsed Status: A person whose credential has been placed on lapsed status may have their credential restored from lapsed to active status by the Department upon proof to the Department that they meet the requirements pursuant to 172 NAC 137-003.

137-020.02A If the Department has evidence that an applicant has practiced while his/her credential was lapsed, the Department may:

1. Assess an administrative penalty pursuant to 172 NAC 137-023;
2. Initiate disciplinary action against the lapsed credential;
3. Deny the request to restore the credential from lapsed to active status; or
4. Restore the credential to active status and impose limitation(s) or other sanctions on the credential.

137-020.02B If the Department has evidence that an applicant has committed any other violation of the statutes and regulations governing the credential, the Department may:

1. Initiate disciplinary action against the lapsed credential;
2. Deny the request to restore the credential from lapsed to active status;
or
3. Restore the credential to active status and impose limitation(s) or other sanctions on the credential.

137-020.02C The Department will act within 150 days on all completed applications.

137-020.02D The applicant will be provided with notice and the opportunity for hearing pursuant to the Department's Rules of Practice and Procedure and Neb. Rev. Stat. §§ 84-901 to 84-920 before any of the actions pursuant to 172 NAC 137-020.02A and 137-020.02B are final.

137-020.03 Requirements to Move a Credential from Inactive to Active Status: A person whose credential has been placed on inactive status may have his/her credential moved from inactive to active status upon proof to the Department that they meet the following requirements:

1. Meet renewal requirements, including:
 - a. The continuing competency requirements; and
 - b. Paying the renewal fee and any other applicable fees;
2. Attest:
 - a. That s/he has not practiced in Nebraska since s/he last held an active credential; or
 - b. To the actual number of days practiced if the applicant has practiced in Nebraska since s/he last held an active credential.

137-020.04 Procedures for Moving from Inactive to Active Status: To move a credential

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from inactive status to active status, the applicant must submit the following to the Department:

1. A written application which contains the following information about the applicant:
 - a. Name;
 - b. Address;
 - c. Social Security Number; and
 - d. If the applicant holds a professional credential in another state, a list of the state(s) and type of credential;
 - e. A statement describing all:
 - (1) Felony or misdemeanor convictions during the time period since the credential was active;
 - (a) If the applicant has been convicted of a felony or misdemeanor, provide copies of:
 - [1] Official Court Record, which includes charges and disposition;
 - [2] Arrest records;
 - [3] A letter from the applicant explaining the nature of the conviction;
 - [4] All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required; and
 - [5] A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on probation.
 - (b) Revocations, suspensions, or other disciplinary actions against any professional credential held by the applicant during the time period since the credential was active;
 - [1] If any disciplinary action was taken against the applicant's credential by another state, submit an official copy of the disciplinary action, including charges and disposition; and
 - (c) Disciplinary charges pending against any professional credential held by the applicant.
 - f. Attestation that the continuing competency requirements for renewal have been met;
 2. The renewal fee and any other applicable fees.
 3. Attestation by applicant:
 - a. That s/he has not practiced in Nebraska since s/he last held an active credential; or
 - b. To the actual number of days practiced if the applicant has practiced in Nebraska since s/he last held an active credential.

137-020.04A If an applicant has practiced while his/her credential was inactive, the Department may:

1. Assess an administrative penalty pursuant to 172 NAC 137-023;
2. Initiate disciplinary action against the credential;
3. Deny the request to move the credential from inactive to active status; or
4. Move the credential to active status and impose limitation(s) or other sanctions on the credential.

137-020.04B If an applicant has committed any other violation of the statutes and regulations governing the credential, the Department may:

1. Initiate disciplinary action against the credential;
2. Deny the request to move the credential from inactive to active status; or
3. Move the credential to active status and impose limitation(s) or other sanctions on the credential.

137-020.04C In either event pursuant to 137-020.04A or 137-020.04B, a notice and the opportunity for hearing will be given to the applicant.

137-020.04D The Department will act within 150 days on all completed applications.

137-020.05 Requirements for Reinstatement Within One Year Following Revocation for Failure to Meet the Renewal Requirements: An applicant for reinstatement who applies not more than one year following revocation for failure to meet renewal requirements must:

1. Meet the renewal requirements, including:
 - a. The continuing competency requirements; and
 - b. Paying the renewal fee, the late fee of \$35 and any other applicable fees;
2. Attest:
 - a. That s/he has not practiced in Nebraska since s/he last held an active credential; or
 - b. To the actual number of days practiced if the applicant has practiced in Nebraska since s/he last held an active credential.

137-020.06 Procedures for Reinstatement Within One Year Following Revocation for Failure to Meet the Renewal Requirements: To reinstate a credential not more than one year following revocation for failure to meet renewal requirements, the applicant must submit the following to the Department:

1. A written application which contains the following information about the applicant:
 - a. Name;
 - b. Address;

- c. Social Security Number; and
 - d. If the applicant holds a professional credential in another state, a list of the state(s) and type of credential;
 - e. A statement describing all:
 - (1) Felony or misdemeanor convictions during the time period since the credential was active;
 - (a) If the applicant has been convicted of a felony or misdemeanor, provide copies of:
 - [1] Official Court Record, which includes charges and disposition;
 - [2] Arrest records;
 - [3] A letter from the applicant explaining the nature of the conviction;
 - [4] All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required; and
 - [5] A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on probation.
 - (2) Revocations, suspensions, or other disciplinary actions against any professional credential held by the applicant during the time period since the credential was revoked;
 - [a] If any disciplinary action was taken against the applicant's credential by another state, submit an official copy of the disciplinary action, including charges and disposition; and
 - (3) Disciplinary charges pending against any professional credential held by the applicant.
 - f. Attestation that the continuing competency requirements for renewal have been met;
- 2. The renewal fee, the late fee of \$35 and any other applicable fees.
 - 3. Attestation by the applicant:
 - a. That s/he has not practiced in Nebraska since s/he last held an active credential; or
 - b. To the actual number of days practiced if the applicant has practiced in Nebraska since s/he last held an active credential.
 - (1) If an applicant has practiced after his/her credential was revoked the Department may assess an administrative penalty pursuant to 172 NAC 137-023 in which case a notice and opportunity for hearing will be sent to the applicant.
 - (2) If an applicant has practiced after his/her credential was revoked, or has committed any other violation of the statutes and regulations governing the credential, other action may be taken pursuant to 172 NAC 137-020.06B.

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The Department will forward the application to the Board for its recommendation pursuant to Neb. Rev. Stat. § 71-110 (5).

137-020.06A The Board's recommendation to the Department may be to:

1. Reinstate the credential;
2. Reinstate the credential with terms, conditions or restrictions; or
3. Deny reinstatement.

137-020.06B Upon receipt of the Board's recommendation, the Department will, within 150 days, send to the applicant a written notice of the Department's response. The Department may:

1. Reinstate the credential: An administrative penalty may be assessed pursuant to 172 NAC 137-023 if warranted;
2. If the Department determines that the applicant has committed acts or offenses prohibited by Neb. Rev. Stat. §§ 71-147 or 71-148, the Department may:
 - a. Reinstate the credential with terms, conditions or restrictions. In such case the applicant will be provided notice and the opportunity for hearing before the Department pursuant to the Department's Rules of Practice and Procedure and Neb. Rev. Stat. §§ 84-901 to 84-920. An administrative penalty may be assessed pursuant to 172 NAC 23-016 if warranted; or
 - b. Deny reinstatement. In such case the applicant will be provided notice and the opportunity for hearing before the Department pursuant to the Department's Rules of Practice and Procedure and Neb. Rev. Stat. §§ 84-901 to 84-920.

137-020.07 Requirements for Reinstatement More Than One Year Following Revocation for Failure to Meet the Renewal Requirements: An applicant for reinstatement who applies more than one year after revocation for failure to meet the renewal requirements must:

1. Petition the Board for reinstatement pursuant to Neb. Rev. Stat. § 71-161.05. The petition for reinstatement must be accompanied by:
 - a. Verified recommendations from at least two credentialed practitioners of the same profession as the petitioner each having personal knowledge of the activities of the petitioner since the credential was revoked; and
 - b. Verified recommendations from at least two citizens each having personal knowledge of the activities of the petitioner since the credential was revoked.

2. Meet the renewal requirements, including:
 - a. The continuing competency requirements; and
 - b. Paying the renewal fee, the late fee of \$75 and any other applicable fees.
3. Attest:
 - a. That s/he has not practiced in Nebraska since s/he last held an active credential; or
 - b. To the actual number of days practiced if the petitioner has practiced in Nebraska since s/he last held an active credential.

137-020.08 Procedures for Reinstatement More Than One Year Following Revocation for Failure to Meet Renewal Requirements: An applicant for reinstatement more than one year following revocation for failure to meet renewal requirements must submit to the Board:

1. A petition for reinstatement:
 - a. Stating the reason the petitioner believes his/her credential should be reinstated;
 - b. Accompanied by verified recommendations from at least two credentialed practitioners of the same profession as the petitioner each having personal knowledge of the activities of the petitioner since the credential was revoked; and verified recommendations from at least two citizens each having personal knowledge of the activities of the petitioner since the credential was revoked.
 - c. Containing the following information about the petitioner:
 - (1) Name;
 - (2) Address
 - (3) Social Security Number; and
 - (4) If the petitioner holds a professional credential in another state, a list of the state(s) and type of credential;
 - (5) A statement describing all:
 - (a) Felony or misdemeanor convictions during the time period since the credential was active;
 - [1] If the petitioner has been convicted of a felony or misdemeanor, provide copies of:
 - [a] Official Court Record, which includes charges and disposition;
 - [b] Arrest records;
 - [c] A letter from the petitioner explaining the nature of the conviction;
 - [d] All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required; and
 - [e] A letter from the probation officer addressing

probationary conditions and current status, if the petitioner is currently on probation.

- (b) Revocations, suspensions, or other disciplinary actions against any professional credential held by the petitioner during the time period since the credential was revoked;
 - [1] If any disciplinary action was taken against the petitioner's credential by another state, submit an official copy of the disciplinary action, including charges and disposition; and

- (c) Disciplinary charges pending against any professional credential held by the petitioner.

- (6) Attestation that the continuing competency requirements for renewal have been met.

2. The renewal fee, the late fee of \$75 and any other applicable fees.

3. Attestation by the petitioner:

- a. That s/he has not practiced in Nebraska since s/he last held an active credential; or
- b. To the actual number of days practiced if the petitioner has practiced in Nebraska since s/he last held an active credential.
 - (1) If a petitioner has practiced after his/her credential was revoked the Department may assess an administrative penalty pursuant to 172 NAC 137-023 in which case a notice and opportunity for hearing will be sent to the petitioner.
 - (2) If a petitioner has practiced after his/her credential was revoked, or has committed any other violation of the statutes and regulations governing the credential, other action may be taken pursuant to 172 NAC 137-020.08F.

137-020.08A The petition to recommend reinstatement will be considered at the next meeting of the Board that is held, but not earlier than 30 days after the petition is filed.

137-020.08B Any petition to recommend reinstatement of a credential will be conclusively acted upon by the Board within 180 days after the filing of a properly prepared petition and the necessary accompanying documents with the Board.

137-020.08C If the Board recommends reinstatement of the credential, no public hearing need be held on the petition.

137-020.08D Prior to any recommendation by the Board against reinstatement of the credential, an opportunity for a formal public hearing on the petition must be granted by the Board, if formally requested by the petitioner.

137-020.08D1 The petitioner's request for a formal hearing must be submitted within 30 days of the Board's notification of an opportunity for a formal public hearing.

137-020.08E If the petitioner formally requests a formal public hearing or if the Board otherwise holds such a hearing, the petitioner will be given at least 30 days prior notice by sending to the petitioner a copy of the notice of hearing by certified or registered mail at his/her last known residence or business post office address as shown by the files or records of the Department or as otherwise known. Notice may be given to the petitioner by personal service. The hearing will be conducted pursuant to 172 NAC 1.

137-020.08F The Board will review the petition to recommend reinstatement and the record of any hearing held, and submits its recommendation regarding reinstatement and the record on which such recommendation is made to the Department within 180 days of receipt of the petition to recommend reinstatement.

137-020.08F1 If the Board recommends reinstatement of the credential, the Department may:

1. Accept the Board's recommendation and grant reinstatement of the credential.
2. If the Department determines that the Board's recommendation is: in excess of statutory authority; made upon unlawful procedure; unsupported by competent, material, and substantial evidence; or arbitrary or capricious, the Department may not accept the Board's recommendation and either:
 - a. Deny reinstatement of the credential: or
 - b. Grant reinstatement with terms, conditions, or restrictions.

137-020.08F2 If the Board recommends denial of reinstatement, the Board will send to the petitioner a written notice of the Board's recommendation. The petitioner may appeal the Board's decision to the District Court of Lancaster County pursuant to Neb. Rev. Stat. §§ 84-901 to 84-920.

137-020.08F3 If the Board recommends reinstatement with terms, conditions, or restrictions, the Department may:

1. Accept the Board's recommendation and grant reinstatement with terms, conditions, or restrictions; or
2. Not accept the Board's recommendation and either:
 - a. Deny reinstatement of the credential; or
 - b. Grant reinstatement of the credential.

137-020.08F4 The Department will, within 150 days of receipt of the Board's recommendation, send to the petitioner a written notice of the Department's reinstatement with or without terms, conditions, or restrictions or denial of reinstatement of the credential.

137-020.08F5 The petitioner may appeal the Department's decision to the District Court of Lancaster County pursuant to Neb. Rev. Stat. §§ 84-901 to 84-920.

137-020.09 Requirements to Reinstate a Credential Following Suspension, Limitation, or Revocation for Disciplinary Reasons: An applicant for reinstatement following suspension, limitation, or revocation for disciplinary reasons must meet the following requirements:

1. Petition the Board for reinstatement;
 - a. The petition for reinstatement must be accompanied by verified recommendations from at least two credentialed practitioners of the same profession as the petitioner each having personal knowledge of the activities of the petitioner since the credential was suspended, limited, or revoked; and
 - b. Verified recommendations from at least two citizens each having personal knowledge of the activities of the petitioner since the credential was suspended, limited, or revoked.
2. Pay the reinstatement fee of \$75; and
3. If the credential was revoked or suspended, attest:
 - a. That s/he has not practiced in Nebraska since s/he last held an active credential; or
 - b. To the actual number of days practiced if the petitioner has practiced in Nebraska since s/he last held an active credential.

137-020.10 Procedures for Reinstatement Following Suspension, Limitation, or Revocation for Disciplinary Reasons: An applicant for reinstatement following suspension, limitation, or revocation for disciplinary reasons must submit to the Board:

1. A petition for reinstatement:
 - a. Stating the reason the petitioner believes his/her credential should be reinstated;
 - b. Accompanied by verified recommendations from at least two credentialed practitioners of the same profession as the petitioner each having personal knowledge of the activities of the petitioner since the credential was suspended, limited, or revoked; and verified recommendations from at least two citizens each having personal knowledge of the activities of the petitioner since the credential was suspended, limited, or revoked.
 - c. Containing the following information about the petitioner:
 - (1) Name;
 - (2) Address;
 - (3) Social Security Number; and
 - (4) If the petitioner holds a professional credential in another state, a list of the state(s) and type of credential;
 - (5) A statement describing all:

- (a) Felony or misdemeanor convictions during the time period since the credential was suspended, limited, or revoked;
 - [1] If the petitioner has been convicted of a felony or misdemeanor, provide copies of:
 - [a] Official Court Record, which includes charges and disposition;
 - [b] Arrest records;
 - [c] A letter from the petitioner explaining the nature of the conviction;
 - [d] All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required; and
 - [e] A letter from the probation officer addressing probationary conditions and current status, if the petitioner is currently on probation.
 - (b) Revocations, suspensions, or other disciplinary actions against any professional credential held by the petitioner during the time period since the credential was suspended, limited, or revoked;
 - [1] If any disciplinary action was taken against the petitioner's credential by another state, submit an official copy of the disciplinary action, including charges and disposition; and
 - (c) Disciplinary charges pending against any professional credential held by the petitioner;
 - (6) Any continuing competency activities.
- 2. The reinstatement fee of \$75.
 - 3. Attestation by the petitioner, if the credential was revoked or suspended:
 - a. That s/he has not practiced in Nebraska since s/he last held an active credential; or
 - b. To the actual number of days practiced if the petitioner has practiced in Nebraska since s/he last held an active credential.
 - (1) If a petitioner has practiced after his/her credential was revoked the Department may assess an administrative penalty pursuant to 172 NAC 137-023 in which case a separate notice and opportunity for hearing will be sent to the petitioner.
 - (2) If a petitioner has practiced after his/her credential was revoked, or has committed any other violation of the statutes and regulations governing the credential, other action may be taken pursuant to 172 NAC 137-020.10G.

137-020.10A The Board will make a recommendation to the Director regarding reinstatement following disciplinary action. In determining whether reinstatement should be recommended, the Board may:

1. Request the Department investigate all activities of the petitioner since the disciplinary action was taken against him/her, including activities prohibited by Neb. Rev. Stat. §§71-147 and 71-148.
2. Require the petitioner to submit to a complete diagnostic examination by one or more physicians appointed by the Board, the petitioner being free also to consult a physician or physicians of his/her own choice for a complete diagnostic examination and make available a report or reports thereof to the Board;
3. Require the petitioner to pass a written, oral, or practical examination or any combination of such examinations; or
4. Require the petitioner to complete additional education.

137-020.10B The petition to recommend reinstatement will be considered at the next meeting of the Board that is held, but not earlier than 30 days after the petition is filed.

137-020.10C Any petition to recommend reinstatement of a credential will be conclusively acted upon by the Board within 180 days after the filing of a properly prepared petition and the necessary accompanying documents with the Board.

137-020.10D If the Board recommends reinstatement of the credential, no public hearing need be held on the petition.

137-020.10E Prior to any recommendation by the Board against reinstatement of the credential, an opportunity for a formal public hearing on the petition must be granted by the Board, if formally requested by the petitioner.

137-020.10E1 The petitioner's request for a formal hearing must be submitted within 30 days of the Board's notification of an opportunity for a formal public hearing.

137-020.10E2 If the petitioner had a hearing or an opportunity for a hearing on a prior petition to recommend reinstatement filed pursuant to Neb. Rev. Stat. § 71-161.04 within a period of two years immediately preceding the filing of the current petition, the Board may grant or deny, without a hearing, the current petition to recommend reinstatement filed pursuant to Neb. Rev. Stat. § 71-161.04.

137-020.10F If the petitioner formally requests a formal public hearing or if the Board otherwise holds such a hearing, the petitioner will be given at least 30 days prior notice by sending to the petitioner a copy of the notice of hearing by certified or registered mail at his/her last known residence or business post office address as shown by the files or records of the Department or as otherwise known. Notice may be given to the petitioner by personal service. The hearing will be conducted pursuant to 172 NAC 1.

137-020.10G The Board reviews the petition to recommend reinstatement, any examination or investigatory information and the record of hearing, if one was held. The Board will submit its recommendation to the Director within 180 days of receipt of the petition to recommend reinstatement.

137-020.10G1 If the Board recommends reinstatement of the credential:

1. The Board will send its recommendation to the petitioner by certified mail along with notification that the petitioner must file an application for reinstatement with the Director.
2. The petitioner must submit, to the Department, an application for reinstatement by the Director within 30 days of receipt of the Board's recommendation.
 - a. The application must include:
 - (1) Name of the petitioner; and
 - (2) Signed statement that the petitioner requests the Director to issue the credential pursuant to the Board's recommendation for reinstatement.
3. Upon receipt of the application for reinstatement from the petitioner, the Department will submit the following to the Director:
 - a. The application;
 - b. The written recommendation of the Board, including any finding of fact or order of the Board;
 - c. The petition submitted to the Board;
 - d. The record of hearing, if any;
 - e. Any pleadings, motions, requests, preliminary or intermediate rulings and orders, and similar correspondence to or from the Board and the petitioner.
4. The Director will issue a decision regarding reinstatement within 150 days of receipt of the petitioner's application for reinstatement. The Director's decision will be based upon a review of the record of the proceedings before the Board. The Director will not hold a second hearing. The Director may affirm, reverse or modify the Board's recommendation. A decision by the Director to reverse or modify the Board's recommendation will be based on finding that the Board's recommendation is: in excess of statutory authority, made upon unlawful procedure, unsupported by competent, material, and substantial evidence in view of the entire record, or arbitrary or capricious.

- a. When the Director affirms, modifies or reverses the Board's recommendation for reinstatement, the Director will enter an Order setting forth the decision regarding reinstatement of the petitioner's credential. The Order will be sent by certified mail to the petitioner;
- b. If the petitioner does not accept the Director's decision, s/he may appeal such decision to the District Court of Lancaster County pursuant to Neb. Rev. Stat. §§ 84-901 to 84-920.

137-020.10G2 If the Board recommends reinstatement of the credential with terms, conditions, or restrictions:

1. The Board will send its recommendation to the petitioner by certified mail along with notification that the petitioner must file an application for reinstatement with the Director.
2. The petitioner must submit, to the Department, an application for reinstatement by the Director within 30 days of receipt of the Board's recommendation.
 - a. The application must include:
 - (1) Name of the petitioner; and
 - (2) Signed statement that the petitioner requests the Director to issue the credential pursuant to the Board's recommendation for reinstatement.
3. Upon receipt of the application for reinstatement from the petitioner, the Department will submit the following to the Director:
 - a. The application;
 - b. The written recommendation of the Board, including any finding of fact or order of the Board;
 - c. The petition submitted to the Board;
 - d. The record of hearing, if any;
 - e. Any pleadings, motions, requests, preliminary or intermediate rulings and orders, and similar correspondence to or from the Board and the petitioner.
4. The Director will issue a decision regarding reinstatement within 150 days of receipt of the petitioner's application for reinstatement. The Director's decision will be based upon a review of the record of the proceedings before the Board. The Director will not hold a second hearing. The Director may affirm, reverse or modify the Board's recommendation. A decision by the Director to reverse or modify the Board's recommendation will be based on

finding that the Board's recommendation is: in excess of statutory authority, made upon unlawful procedure, unsupported by competent, material, and substantial evidence in view of the entire record, or arbitrary or capricious.

- a. When the Director affirms, modifies or reverses the Board's recommendation for reinstatement, the Director will enter an Order setting forth the decision regarding reinstatement of the petitioner's credential. The Order will be sent by certified mail to the petitioner;
- b. If the petitioner does not accept the Director's decision, s/he may appeal such decision to the District Court of Lancaster County pursuant to Neb. Rev. Stat. §§ 84-901 to 84-920.

137-020.10G3 If the Board denies reinstatement, the Board will send to the petitioner a written notice of the Board's recommendation to deny reinstatement. The petitioner may appeal the Board's decision to the District Court of Lancaster County pursuant to Neb. Rev. Stat. §§ 84-901 to 84-920.

137-020.11 Procedures for Restoration of Credentials Voluntarily Surrendered or Limited for an Indefinite Period of Time

137-020.11A Credentials voluntarily surrendered or limited for an indefinite period of time pursuant to Neb. Rev. Stat. §71-161.11 may be restored at the discretion of the Department.

137-020.11A1 An applicant for restoration of a credential that was voluntarily surrendered or limited for an indefinite period of time must submit to the Department:

1. A written application which contains the following information about the applicant:
 - a. Name;
 - b. Address;
 - c. Social Security Number; and
 - d. If the applicant holds a professional credential in another state, a list of the state(s) and type of credential;
 - e. A statement describing all:
 - (1) Felony or misdemeanor convictions during the time period since the credential was active;
 - (a) If the applicant has been convicted of a felony or misdemeanor, provide copies of:
 - [1] Official Court Record, which includes charges and disposition;
 - [2] Arrest records;
 - [3] A letter from the applicant explaining the

- nature of the conviction;
- [4] All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required; and
- [5] A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on probation.
- (2) Revocations, suspensions, or other disciplinary actions against any professional credential held by the applicant during the time period since the credential was active;
- (a) If any disciplinary action was taken against the applicant's credential by another state, submit an official copy of the disciplinary action, including charges and disposition; and
- (3) Disciplinary charges pending against any professional credential held by the applicant.
- f. Any continuing competency activities.
- g. Attest:
 - (1) That s/he has not practiced in Nebraska prior to the voluntary surrender of his/her credential; or
 - (2) To the actual number of days practiced if the applicant has practiced in Nebraska prior to the voluntary surrender of his/her credential.

137-020.11A2 If an applicant has practiced while his/her credential was voluntarily surrendered, the Department may:

1. Assess an administrative penalty pursuant to 172 NAC 137-023;
2. Initiate disciplinary action against the credential;
3. Deny the request to restore the credential; or
4. Restore the credential to active status and impose limitation(s) or other sanctions on the credential.

137-020.11A3 If an applicant has committed any other violation of the statutes and regulations governing the credential while his/her credential was voluntarily surrendered or limited, the Department may:

1. Initiate disciplinary action against the credential;
2. Deny the request for restoration of the credential; or
3. Restore the credential to active status and impose limitation(s) or other sanctions on the credential.

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137-020.11A4 In either event pursuant to 137-020.11A2 or 137-020.11A3, a notice and the opportunity for hearing will be given to the applicant.

137-020.11A5 The Department will act within 150 days on all completed applications.

137-020.12 Procedures for Restoration of Credentials Voluntarily Surrendered or Limited for a Specific and Definite Period of Time

137-020.12A Credentials voluntarily surrendered or limited for a specific and definite period of time as agreed to between the holder and Department pursuant to Neb. Rev. Stat. § 71-161.11, will be automatically restored at the expiration of that period of time.

137-020.12B If an individual has practiced while his/her credential was voluntarily

surrendered for a specific and definite period of time, the Department may assess an administrative penalty pursuant to 172 NAC 137-023.

137-020.13 Credentials Voluntarily Surrendered or Limited Permanently

137-020.13A Credentials that are voluntarily surrendered or limited permanently pursuant to Neb. Rev. Stat. § 71-161.11 will not be restored.

137-021 SCHEDULE OF FEES: The following fees have been set by the Department.

1. Initial License Fee for Physical Therapist: By an applicant for a license to practice physical therapy, the fee of \$50 and the Licensee Assistance Program fee of \$1 for each year remaining during the current biennial renewal period.
2. Proration of Initial License or Certificate: For issuance of a license or certificate that will expire within 180 days after its initial issuance date, a fee of \$25 and the Licensee Assistance Program fee of \$1. If the fee is less than \$25, the fee will not be prorated.
3. Initial Certification Fee for Physical Therapist Assistant: By an applicant for certification as a physical therapist assistant, the fee of \$35 and the Licensee Assistance Program fee of \$1 for each year remaining during the current biennial renewal period.
4. ~~Initial Certification Fee for Approval to Supervise a Physical Therapist Assistant: By an applicant for approval to supervise a physical therapist assistant, the fee of \$10.~~
5. ~~Temporary License or Certification Fee: By an applicant for a temporary license or certificate, or extension of a temporary license or certificate, to practice as a physical therapist or physical therapist assistant, the fee of \$10.~~
6. License Renewal Fee for Physical Therapist: By an applicant for renewal on a biennial basis of a license to practice physical therapy, the fee of \$20 and the Licensee Assistance Program fee of \$1 for each year remaining during the current biennial renewal period.

7. Certification Renewal Fee for Physical Therapist Assistant: By an applicant for renewal on a biennial basis of a certificate to practice as a physical therapist assistant, the fee of \$15 and the Licensee Assistance Program fee of \$1 for each year remaining during the current biennial renewal period.
- ~~8. Certification Renewal for Approval to Supervise a Physical Therapist Assistant: By an applicant for renewal on an annual basis of a certificate to supervise a physical therapist assistant, the fee of \$10.~~
9. Inactive License/Certificate Status Fee: By an applicant to have his/her license placed on inactive status, the fee of \$25.
10. Renewal Late Fee: By an applicant for renewal on a biennial basis of a license, who fails to pay the renewal fee on or before the expiration date of his/her license, the fee of \$25 as a late charge in addition to the renewal fee.
11. Certification of License/Certificate Fee: For issuance of a certification of a physical therapy license the fee of \$25. The certification includes information regarding:
 - a. The basis on which a credential was issued;
 - b. The date of issuance;
 - c. Whether disciplinary action has been taken against the credential; and
 - d. The current status of the credential.
12. Verification of License/Certification Fee: For issuance of a verification of a license/certificate the fee of \$5. The verification includes written confirmation as to whether a license was valid at the time the request was made.
13. Duplicate Original Fee: For an original duplicate or reissued license or certificate, the fee of \$10.
14. Administrative Fee: For a denied license or certificate or a withdrawn application, the administrative fee of \$25 will be retained by the Department, except if the license/certificate fee is less than \$25, the fee will be forfeited and an examination fee will not be returned.
15. Reinstatement Late Fee: For reinstatement of a license or certificate for failure to meet renewal requirements.
 - a. Within one year, the fee of \$35 in addition to the renewal fee.
 - b. After one year of revocation, the fee of \$75 in addition to the renewal fee.
16. Reinstatement Fee: For reinstatement of a physical therapy license following suspension, limitation, or revocation for disciplinary reasons, the fee of \$75.

137-022 CONTINUING COMPETENCY REQUIREMENTS FOR LICENSURE AND CERTIFICATION

137-022.01 General Requirements for Licensure or Certification: ~~On or before November 1, 2003, and on~~ On or before November 1 of each odd-numbered year ~~thereafter~~, each physical therapist and each physical therapist assistant who is in active practice and in the State of Nebraska must:

137-022.01A Complete continuing education hours to renew a license or certificate during the preceding 24 month period. Each physical therapist must complete 20 hours of continuing education and each physical therapist assistant must complete 10 hours of continuing education during the preceding 24 month period; and

137-022.01B ~~Commencing on November 1, 2009 each physical therapist and each physical therapist assistant must successfully complete the Nebraska Law Tutorial. The Nebraska Law Tutorial is a free, online open book tutorial developed by the Board for the purpose of assuring that all physical therapists and physical therapist assistants understand the Physical Therapy Practice Act and these regulations. 172 NAC 137.~~

137-022.01C Submit to the Department an attestation of continuing education hours pursuant to 172 NAC 137-015.01, item 4c.

137-022.01D Be responsible for:

137-022.01D1 Maintaining documentation of attendance at or participation in continuing education programs until the next renewal period. Documentation of attendance must include the following:

1. Signed certificate; and
2. Course brochure or course outline

137-022.01D2 Maintaining documentation of presentation of a continuing education program if the licensee is presenting a program. Documentation must include the following:

1. Course outline; and
2. Brochure of course; or
3. Statement of instructor's qualifications to teach the course, unless the qualifications are included in the brochure.

137-022.01E If applicable, submit an application for waiver of the continuing ~~competency requirements~~ competency requirements pursuant to 172 NAC 137-022.02B.

137-022.01F Acceptable Continuing Education: In order for a learning experience to be accepted for the renewal or reinstatement of a license or certificate, the learning

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experience must relate to physical therapy and it may focus on research, treatment, documentation, management, or education.

137-022.01G The Board does not pre-approve continuing education programs but may accept as continuing education for renewal of a license or certificate or reinstatement of a license or certificate the following learning experiences to include:

137-022.01G1 Programs at State and National meetings which relate to the theory or clinical application of theory pertaining to the practice of physical therapy e.g., a meeting of the Nebraska Physical Therapy Association and/or the American Physical Therapy Association;

137-022.01G2 Formal education courses/presentations in which:

1. The courses or presentations are formally organized and planned instructional experiences that have a date, location, course title, number of contact hours, signed certificate of attendance, and are open to all licensees and certificate holders;
2. The objectives relate to the theory or clinical application of theory pertaining to the practice of physical therapy; and
3. The instructor has specialized experience or training to meet the objectives of the course.

137-022.01G3 University sponsored courses relating to the theory or clinical application of theory pertaining to the practice of physical therapy; and

137-022.01G4 Home study relating to the theory or clinical application of theory pertaining to the practice of physical therapy. Licensee or certificate holder may complete a maximum of ten hours of continuing education by home study each 24 month renewal period. The home study program must have a testing mechanism.

137-022.01G5 Management courses which relate to the theory or clinical application of theory pertaining to the practice of physical therapy. Licensee or certificate holder may complete a maximum of four hours of continuing education utilizing management courses each 24 month renewal period.

137-022.01G6 Videotapes or satellite programs that meet the following criteria:

1. There is a sponsoring group or agency;
2. There is a facilitator or program official present each time the videotapes or satellite programs are presented to monitor attendance of licensees.
3. Any program official who wishes to receive credit for a videotape or satellite program may not self-monitor attendance; and

4. The objectives of the program must relate to the theory or clinical application of theory pertaining to the practice of physical therapy. Licensee or certificate holder may complete a maximum of ten hours of continuing education utilizing videotape presentations or satellite programs each 24 month renewal period.

137-022.01G7 Completion and publication of a scientific review of a research paper for a professionally recognized database as approved by the Board e.g., APTA Hooked on Evidence, Physiotherapy Evidence Database (PEDro). Licensee or certificate holder will be awarded a maximum of five hours each 24 month period. One contact hour will be awarded for each article published. Documentation must include a certificate of completion or a copy of the published review.

137-022.01G8 Participation in research or other scholarly activities that result in professional publication or acceptance for publication that relates to physical therapy and is intended for an audience of health care professionals. Licensee or certificate holder will be awarded a maximum of ten hours each 24 month period.

- a. Primary author of an article in a non-refereed journal. Earn 5 hours per article. Documentation required – a copy of the article;
- b. Primary or secondary author of an article in a refereed journal. Earn 10 hours per article. Documentation required – a copy of the article;
- c. Primary, secondary or contributing author of a published textbook. Earn 10 hours per book. Documentation required – A copy of the title page;
- d. Primary or secondary author of a poster presentation. 5 hours per presentation. Documentation required – Letter of acknowledgement;
- e. Primary author of a home study course. Earn 5 hours per course. Documentation – Letter of approval.

137-022.01G9 Completion of the Nebraska Law Examination. Five hours of continuing education will be awarded for passing the Nebraska Law examination with a scaled score that is greater than or equal to 600.

137-002.01G10 Completion of a residency and/or fellowship program approved by the American Physical Therapy Association. Licensee or certificate holder will be awarded one hour for each month of participation. Documentation required – Letter verifying participation from the agency providing the program. The dates of participation must be included in the letter.

137-022.01G~~7~~11 One hour of credit will be awarded for each hour of attendance. Credit will not be awarded for breaks, lunch, or dinner.

137-022.01G~~8~~12 One hour credit will be awarded for each hour of scientific presentation by a licensee or certificate holder acting as an essayist or lecturer to licensed physical therapists and physical therapist assistants if the program relates

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to the theory or clinical application of theory pertaining to physical therapy. A licensee or certificate holder may receive continuing education credit for only the initial presentation during a renewal period, with a maximum of four hours of continuing education for presentations in a 24 month renewal period.

137-022.01H Non-acceptable Continuing Education: Continuing education credit will not be awarded for programs where the subject matter does not relate to the theory or clinical application of theory pertaining to the practice of physical therapy, including but not limited to:

1. Business communications and operations;
2. Medical terminology and language courses;
3. Courses which deal with personal self-improvement, financial gain, or career options;
4. Courses designed for lay persons.
5. Teaching unlicensed or uncertified persons; ~~conducting research, or publications, nor any preparation for same;~~
6. Courses less than 60 minutes in duration;
7. Physical therapy on-the-job training;
8. Physical therapy orientation programs or staff meetings, including orientation to new policies, procedures, equipment, forms, responsibilities, services, etc.;
9. CPR or other related training;
10. Presentations made by students; or
11. Participation in or attendance at case conferences, grand rounds, or informal presentations.

137-022.02 Waiver of Continuing Competency Requirements: The Department, on the recommendation of the Board, may waive the continuing competency requirements, in part or in total, for any two-year licensing period when a licensee or certificate holder submits documentation that circumstances beyond his/her control prevented completion of such requirements.

137-022.02A The circumstances include situations in which:

137-022.02A1 The licensee or certificate holder holds a Nebraska license but is not practicing his/her profession in Nebraska;

137-022.02A2 The licensee or certificate holder has served in the regular armed forces of the United States during part of the 24 months immediately preceding the license renewal date;

137-022.02A3 The licensee or certificate holder has submitted proof that s/he was suffering from a serious or disabling illness or physical disability which prevented completion of the required number of continuing education hours during the 24 months immediately preceding the license renewal date; and

137-022.02A4 The licensee or certificate holder was first licensed within the 24 months immediately preceding the license renewal date.

137-022.02B Application for Waiver of Continuing Competency Requirements: Any licensee or certificate holder who seeks a waiver of continuing competency requirements, in part or in total, for any two-year licensing period will apply to the Department. The Department, on the recommendation of the Board, may waive continuing competency requirements in part or in total for any two-year period. The licensee or certificate holder must submit:

137-022.02B1 A verified complete application for waiver of continuing competency requirements on a form provided by the Department and referred to as Attachment F or at the option of the applicant, s/he may apply by using an alternate format which s/he prefers. Only applications which are complete will be considered, and the application must be received by the Department on or before November 1 of the year the license or certificate is to be renewed; and

137-022.02B2 Documentation of the circumstances beyond the licensee's or certificate holder's control which prevented completion of continuing competency requirements pursuant to 172 NAC 137-024.02A will include the following:

137-022.02B2a If the licensee or certificate holder holds a Nebraska license but is not practicing in Nebraska, s/he must mark the appropriate response in the waiver section of Attachment F.

137-022.02B2b If the licensee or certificate holder has served in the regular armed forces of the United States during part of the twenty-four (24) month immediately preceding the license renewal date, s/he must mark the appropriate response in the waiver section of Attachment F and submit official documentation stating the dates of such service.

137-022.02B2c If the licensee or certificate holder was suffered from a serious or disabling illness or physical disability which prevented completion of the required number of hours of continuing education during the 24 months immediately preceding the license renewal date, s/he must mark the appropriate response in the waiver section of Attachment F and submit a statement from a treating physician(s) stating that the licensee was injured or ill, the duration of the illness or injury and of the recovery period, and that the license holder was unable to obtain continuing competency requirements during that period.

137-022.02B2d If the licensee or certificate holder was first licensed within the 24 months immediately preceding the license renewal date, s/he must mark the appropriate response in the waiver section of Attachment F and list the date said license or certificate was issued.

137-022.02C The Department, on recommendation of the Board, may grant or deny, in part or in total, an application for waiver of continuing competency requirements, upon proof that circumstances beyond the applicant's control prevented completion of such requirements.

137-022.02C1 When the Department determines to deny an application for waiver of continuing competency requirements, it will send to the applicant by certified mail to the last name and address of record in the Department, a notice setting forth the reason for the denial determination.

137-022.02C1a The applicant has 30 days from the date of receipt of the denial notice to make a written request to the Department for an appeal. The appeal will be conducted pursuant to Neb. Rev. Stat. §§ 84-901 to 84-902, Administrative Procedure Act and 184 NAC 1 of the Rules of Practice and Procedure for the Department.

137-022.02C1b The Department will issue at the conclusion of the appeal under 184 NAC 1, a final order setting forth the results of the appeal.

137-022.02C2 When the Department determines to grant a waiver of continuing competency requirements, the applicant will be notified within 30 days of receipt of the application.

137-022.03 Audit of Continuing Competency Requirements: The Board may select, either during or after renewal, in a random manner, a sample of the license or certificate holder's renewal applications for audit of continuing competency requirements. Each license or certificate holder will be responsible for maintaining in his/her own personal files such certificates or records of credit from continuing education activities received from continuing education providers. License or certificate holders selected for audit will be required to produce documentation of his/her attendance at those continuing education activities attested to on his/her renewal application.

137-022.03A The Department will send to each licensee or certificate holder selected for audit a notice of audit.

137-022.03B When selected for audit, the licensee or certificate holder must provide satisfactory documentation of attendance at or participation in continuing education activities.

137-022.03C The Board reserves the right to audit the continuing education hours of any licensee or certificate holder by notifying the licensee or certificate holder and requesting the licensee to produce within 30 days of mailing, documents verifying attendance at continuing education programs.

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137-022.03D Continuing education for which no documentation is produced will not be included in the calculation of the total number of continuing education hours.

137-022.03E Failure to comply with the audit may be grounds for non-renewal or revocation of the license or certificate.

137-023 ADMINISTRATIVE PENALTY: The Department may assess an administrative penalty when evidence exists that a person or entity practices without a credential. Practice without a credential for the purpose of this regulation means practice:

1. Prior to the issuance of a credential;
2. Following the expiration of a credential; or
3. Prior to the reinstatement of a credential.

137-023.01 Evidence of Practice: The Department will consider any of the following conditions as prima facie evidence of practice without a credential:

1. The person admits to engaging in practice;
2. Staffing records or other reports from the employer of the person indicate that the person was engaged in practice;
3. Billing or payment records document the provision of service, care, or treatment by the person;
4. Service, care, treatment records document the provision of service, care, or treatment by the person;
5. Appointment records indicate that the person was engaged in practice; and
6. The person or entity opens a business or practice site and announces or advertises that the business or site is open to provide service, care, or treatment.

137-023.02 Penalty: The Department may assess an administrative penalty in the amount of \$10 per day, not to exceed a total of \$1,000 for practice without a credential. To assess such penalty, the Department will:

1. Provide written notice of the assessment to the person: The notice must specify:
 - a. The total amount of the administrative penalty;
 - b. The evidence on which the administrative penalty is based;
 - c. That the person may request, in writing, a hearing to contest the assessment of an administrative penalty;
 - d. That the Department will within 30 days following receipt of payment of the administrative penalty, transmit the penalty to the State Treasurer for credit to the Permanent School Fund; and
 - e. That an unpaid administrative penalty constitutes a debt to the State of Nebraska which may be collected in the manner of a lien

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foreclosure or sued for and recovered in a proper form of action in the name of the state in the District Court of the county in which the violator resides or owns property.

2. Send by certified mail, a written notice of the administrative penalty to the last known address of the person to whom the penalty is assessed.

137-023.03 Administrative Hearing: When a person contests the administrative penalty and requests a hearing, the Department will hold a hearing pursuant to Neb. Rev. Stat. §§ 84-901 to 84-920 and the Department's rules and regulations adopted pursuant to these statutes.

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Approved by the Attorney General:
Approved by the Governor:
Filed with the Secretary of State:
Effective Date:

Forms A through N may be obtained by contacting the Credentialing Division.

Nebraska Department of Health and Human Services
Regulation and Licensure
Credentialing Division
PO Box 94986
Lincoln NE 68509-4986

(402)471-2299

<http://www.hhss.ne.gov/crl/profindex1.htm>